

[9] Q I would like to return to the tracking
 [10] system that you discussed and try to better
 [11] understand it, Mr. Oliver.
 [12] Just to refresh what you said, this was not
 [13] something you created, the tracking system;
 somebody
 [14] else in the campaign, did; is that right, or did you
 [15] create the tracking system?
 [16] A I don't remember who actually created it.
 [17] I don't remember who actually created it. I knew
 [18] about it, but I don't think I was the person who came
 [19] up with the idea.
 [20] Q How were the amounts tracked?
 [21] A What do you mean amounts?
 [22] Q That people were raising.

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[1] A If there was an event on the card that came
 [2] back with the event, they had a place for the
 [3] tracking number to be put on it.
 [4] Q What else would be on that card?
 [5] A The other information the Federal Election
 [6] Commission wanted.
 [7] Q Was it put into some kind of computer
 [8] system? How did the tracking system work?
 [9] A I think it was put into a computer system,
 [10] but I don't know the specifics of the administrative
 [11] piece of it.
 [12] MR. BONIFAZ: I'm sorry.
 [13] THE WITNESS: That's fine.
 [14] (Mr. Bonifaz and Ms. Danetz conferred).
 [15] MR. BONIFAZ: Mr. Oliver, we have no
 [16] further questions for this deposition.
 [17] (Whereupon, at 4:23 p.m., the deposition
 [18] was concluded.)
 [19]
 [20]
 [21]
 [22]

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[1] I HEREBY CERTIFY that I have read this
 [2] transcript of my deposition and that this transcript
 [3] accurately states the testimony given by me, with the
 [4] changes or corrections, if any, as noted.
 [5]
 [6]
 [7] X
 [8] JOHN L. OLIVER III
 [9]
 [10]
 [11]
 [12] Subscribed and sworn to before me this day of
 [13] , 20 .
 [14]
 [15]
 [16]
 [17] X
 [18] Notary Public
 [19]
 [20] My commission expires: .

[21]

[22]

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[11] trying to become Pioneers were approached by the
[12] campaign and what proportion of those individuals
[13] approached who wanted to become Pioneers
approached

[14] the campaign itself?

[15] MR. BURCHFIELD: I object to form; asked
[16] and answered.

[17] You may answer it again.

[18] THE WITNESS: An overwhelming majority of
[19] people who ended up becoming Pioneers approached
the
[20] campaign to help.

[21] BY MR. BONIFAZ:

[22] Q They didn't know about the Pioneer
program

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[1] when they approached?

[2] MR. BURCHFIELD: Object to form and
[3] foundation.

[4] THE WITNESS: I don't know if they did or
[5] not. I don't know.

[6] BY MR. BONIFAZ:

[7] Q But your testimony is an overwhelming
[8] number of people came approached the help without
[9] necessarily specifying they wanted to become
[10] Pioneers?

[11] A To help, yes.

[12] Q So how did they learn about the Pioneer
[13] program?

[14] A They may have heard about it from me. They
[15] may have read about it from the newspaper. I don't
[16] know. But it wasn't something we hid.

[17] Q And were they given any promises with
[18] respect to their involvement as a Pioneer?

[19] MR. BURCHFIELD: I object to form.

[20] THE WITNESS: Promises of what?

[21] BY MR. BONIFAZ:

[22] Q Promises of access to the campaign,

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[1] promises of meetings, promises of special letters or
[2] information to them. Were they given any kind of
[3] promises?

[4] MR. BURCHFIELD: I object to form.

[5] THE WITNESS: I don't know what you mean
by
[6] promises.

[7] If you mean by promises did we tell them
[8] that we were going to recognize the Pioneers as a
[9] program, I think the answer is yes. There wasn't
[10] anything specific beyond that.

[11] BY MR. BONIFAZ:

[12] Q Were they ever told they would be if they
[13] got the Pioneer status listed as a Pioneer in certain
[14] campaign documents?

[15] A I don't know whether we indicated that to
[16] them or not. We released those names to the press.

[17] Q What was the purpose of releasing those
[18] names to the press?

[19] A It wasn't my decision. It was decided by

[20] the press operation. I don't know what the purpose
[21] was.

[22] Q You have no idea what the purpose was?

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[1] A I don't remember or I don't remember or
[2] recall the conversation that would have occurred with
[3] regard to this.

[4] Q Were those who were participating in the
[5] Pioneer program aware that their names would be
made

[6] public?

[7] MR. BURCHFIELD: I object to foundation.

[8] THE WITNESS: I don't know. I think so,
[9] but I don't remember.

[10] BY MR. BONIFAZ:

[11] Q You testified earlier with regards to the
[12] RNC that there was a category \$25 donors; is that
[13] right?

[14] A Yes.

[15] Q And for \$25 donors, were they ever offered
[16] the same set of photo opportunities that the Pioneers
[17] were?

[18] MR. BURCHFIELD: I object to form and
[19] foundation.

[20] THE WITNESS: Explain what you mean.

[21] BY MR. BONIFAZ:

[22] Q You testified earlier about photo

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[1] opportunities that Pioneers were sometimes able to
[2] get with a candidate as one aspect of the program.
[3] I'm asking now whether the \$25 donors were
[4] given that same set of opportunities as the Pioneers
[5] were?

[6] A It depends on what - I mean, yes, there
[7] were opportunities for people to get pictures taken
[8] with him. I mean, some of them were involved in the
[9] political piece of it. Political people got their
[10] picture taken with him. He took pictures with people
[11] all over the country.

[12] Q Were the \$25 donors invited to that
[13] reception you discussed at the convention?

[14] A If they were a Pioneer.

[15] Q If they weren't a Pioneer they weren't
[16] invited?

[17] A No.

[18] Q Why not?

[19] A Because think weren't a Pioneer.

[20] Q To your knowledge, did anyone find out
[21] about the reception and want to go who wasn't a
[22] Pioneer?

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[1] A I don't know.

[2] Q How many \$25 donors were Pioneers?

[3] A I don't know the answer to the that
[4] question.

[5] BY MR. BONIFAZ:

[6] Q Do you know of any \$25 donors who were
[7] Pioneers?

[8] A I don't know.

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[13] MR. BURCHFIELD: There may be something
in
[14] what you just said that I agree with in terms of the
[15] characterization of this record, but I can't right at
[16] this point point to something that I would agree
[17] with.
[18] But it does seem to me, as I listened to
[19] the testimony, what he's saying is that a lot of
[20] people told him that they believed in and agreed with
[21] the vision being set forth by Governor Bush for the
[22] campaign.

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[1] Frankly, it would not surprise me if people
[2] who became Pioneers and people who didn't become
[3] Pioneers told him that, and it also wouldn't surprise
[4] me if he can't cite to you chapter and verse, date
[5] and individuals when those conversations occurred.

[6] MR. BONIFAZ: I'm just asking him to cite
[7] some.

[8] MR. BURCHFIELD: You have asked him that
[9] repeatedly, he's tried. He has given you two names,
[10] and you don't seem to be satisfied with those two
[11] names.

[12] MR. BONIFAZ: When I talked talk about the
[13] two names and then he tells me, well, he doesn't
[14] remember talking about the Pioneers.

[15] MR. BURCHFIELD: If you want to ask him
[16] further specific questions, feel free to do so.
[17] But the point I'm making is I don't have
[18] any objection with you continuing asking these
[19] questions.

[20] I'm not sure they are particularly
[21] productive, but that's your call many.
[22] What I don't think is appropriate is for

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[1] you to lecture him about whether his answers are
[2] acceptable to you or not.
[3] I think he's trying to do the best he can
[4] based upon conversations that happened two or three
[5] years ago.

[6] So, please, if you have further questions
[7] ask him but don't lecture him.

[8] BY MR. BONIFAZ:

[9] Q How many of the Pioneers, Mr. Oliver, are
[10] people who attempted to become Pioneers knew
[11] candidate Bush prior to making that attempt?

[12] MR. BURCHFIELD: Object; foundation.

[13] THE WITNESS: I don't know the answer to
[14] that question.

[15] BY MR. BONIFAZ:

[16] Q Do you know any specific candidates who
[17] knew candidate Bush before they signed up to join
[18] Pioneer program?

[19] A Sure.

[20] Q You name some?

[21] A Mercer Reynolds, Craig Stapleton, Jim
[22] Francis, Heinz Precter.

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[1] Q I'm sorry. The last one?

[2] A Heinz Precter.

[3] Q How to do you spell that name?

[4] A H-e-i-n-z P-r-e-c-t-e-r.

[5] Karen Johnson. You'd have to give me a
[6] list to go over, but a lot of people from Texas knew
[7] him prior to.

[8] Q Did you reach out to all of those people
[9] you just specified?

[10] A No, sir. A lot of those people were
[11] already involved - I mean, those people already
[12] indicated they wanted to help.

[13] Brad Freeman is another example.

[14] Q But you did reach out to Mercer Reynolds
[15] and Karen Johnson?

[16] A I had multiple conversations with both of
[17] them.

[18] Q You were the one who specifically reached
[19] out to them on the Pioneer program?

[20] MR. BURCHFIELD: Objection. You are
[21] mischaracterizing his testimony.

[22] You asked him. The earlier question was

Page 307

[1] can you name me some Pioneers who knew Governor
Bush

[2] before they became Pioneers?

[3] The your next question was, so you reached
[4] out to them?

[5] MR. BONIFAZ: We talked earlier about
[6] Mercer Reynolds and Karen Johnson. They were
named

[7] earlier in a separate line of questioning as to
[8] people he specifically talked with.

[9] MR. BURCHFIELD: The record will be what
[10] the record is, but I do think you are maybe
[11] mischaracterizing his testimony.

[12] In any event, please go forward.

[13] THE WITNESS: While you are talking I'm
[14] going to take a quick bathroom break.

[15] MR. BONIFAZ: That's fine.

[16] (Recessed at 4:08 p.m.)

[17] (Reconvened at 4:10 p.m.)

[18] BY MR. BONIFAZ:

[19] Q Mr. Oliver, what proportion of Pioneers and
[20] people trying to become pioneers were approached by
[21] the campaign and what proportion approached the
[22] campaigns themselves, more or less?

Page 308

[1] A I would say an overwhelming majority
[2] approached us.

[3] Q And they approached the campaign to
become

[4] a Pioneer?

[5] A No, they approached the campaign wanting
to

[6] help. They wanted to help it, help the campaign.

[7] Q I will just repeat the question so we are
[8] both clear on it.

[9] A Okay.

[10] Q What proportion of Pioneers and people

[11] A There were people who said, "No, we don't
[12] want to help the campaign," sure.
[13] Q Were there any people who were willing to
[14] help the campaign but they didn't want to try to
[15] become a Pioneer?
[16] A I don't know. I mean, the purpose was to
[17] get people to help the campaign.
[18] Q Do you know of any particular individual
[19] who was approached to become a Pioneer and stated
[20] they didn't want to try to become a Pioneer?
[21] A I don't remember any specific person that
[22] we - I mean, we asked people to help the campaign.

Page 299

[1] I am sure some of them helped us, helped other
[2] candidates.
[3] Q Of those who you reached out to become
[4] Pioneers, did any say why they agreed to try to
[5] become a Pioneer?
[6] A Yes, because they believed in this man and
[7] his vision for America.
[8] Q Who said that to you?
[9] A Many people.
[10] Q Can you name some?
[11] A I'm thinking. Mercer Reynolds.
[12] Q Who is Mercer Reynolds?
[13] A He's a long-time friend of the president.
[14] Q And you reached out to him specifically?
[15] A He wanted the president to run.
[16] Q So did you call Mr. Reynolds?
[17] A I called Mercer Reynolds.
[18] Q In terms of your reaching out to him with
[19] respect the Pioneer program?
[20] A I called him to help us.
[21] Q And you discussed the Pioneer program with
[22] him?

Page 300

[1] A I'm sure we had a conversation about the
[2] Pioneer program.
[3] Q But you can't remember it?
[4] A I can't remember a specific.
[5] Q Okay. So I'm going to back up to my
[6] original question. I asked you when you engaged in
[7] reaching out to people who you wanted to become
[8] Pioneers, I asked you why it is they agreed to it,
[9] and you said because they believed in this man and
[10] his vision.
[11] A Right.
[12] Q Then I asked you who told you that, who
[13] said that?
[14] A People all across the country told me that.
[15] Q Please name some.
[16] A Karen Johnson.
[17] Q Who is Karen Johnson?
[18] A A friend of ours from Texas.
[19] Q How did you have that first contact with
[20] Karen Johnson to discuss the Pioneer program?
[21] A She volunteered to help the campaign.
[22] Q How did you find out she volunteered to

Page 301

[1] help the campaign?
[2] A She called us.
[3] Q And you took the call?
[4] A I'm sure I talked. I don't know if I was
[5] the first person she talked to, but I talked to her,
[6] yes.
[7] Q So you called her?
[8] A I don't remember if she called me or I
[9] called her.
[10] Q In that phone conversation what did you
[11] say?
[12] A I said, "We need your help."
[13] Q Did you discuss the Pioneer program?
[14] A I'm sure we did discuss the Pioneer
[15] program.
[16] Q But you can't remember?
[17] A I cannot remember.
[18] Q Mr. Oliver, one thing that's going to
[19] happen here is that we are either going to be able to
[20] wrap sooner or we are going to have to go a whole lot
[21] more time.
[22] What I have just been talking about is your

Page 302

[1] specific efforts to reach out to Pioneers, and you've
[2] acknowledged, you stated under oath that you did
[3] engage in reaching out to people to try to get them
[4] to become Pioneers. You said you participated in
[5] that process.
[6] A I said I asked people to help us.
[7] MR. BURCHFIELD: Wait a minute.
[8] Mr. Bonifaz, if you've got questions ask
[9] them, but you don't have to lecture the witness.
[10] You're asking him, as best I can ascertain,
[11] questions about conversations that I would expect
[12] that certainly happened two years or so ago, and if
[13] he can't remember the specifics of those
[14] conversations that would certainly not be unusual in
[15] human experience.
[16] I don't have any reason to think he's not
[17] trying to answer your questions. But you don't need
[18] to lecture him about how it is going to take a lot
[19] longer if he's unable to answer your questions.
[20] MR. BONIFAZ: Mr. Burchfield, just for the
[21] record, Mr. Oliver has stated I think now three times
[22] that he remembers very clearly what people told him

Page 303

[1] when they agreed to try to become a Pioneer. They
[2] believed in candidate Bush as a man and his vision.
[3] He has a very clear recollection of what
[4] people told him when they agreed from to try become
[5] a Pioneer.
[6] What is difficult for me to understand is
[7] when we get to who those people were that told him
[8] that and then we get to whether or not it was a
[9] conversation about the Pioneers it all becomes fuzzy
[10] again.
[11] So I'm trying to just simple get down the
[12] road and finish this line of questioning.

[15] A They may have contributed the governor's
[16] campaign for governor. There may be a list that we
[17] had rented from a public available list rental
[18] company. There may be a list exchange agreement
[19] that we would have done with a candidate or an elected
[20] official.

[21] Q Were all these people that were on these
[22] lists people who had helped raise money for other

Page 294

[1] campaigns?

[2] A No. Sometimes they would be people who
[3] were just donors in other campaigns.

[4] Q But to be a Pioneer it wasn't just you were
[5] donating; you were also helping to raise money, isn't
[6] that right?

[7] A Sure.

[8] Q So there was there a particular focus put
[9] on those who had engaged in that in the past for a
[10] political campaign?

[11] A Restate the question, please.

[12] Q Was there a particular focus on individuals
[13] who had helped raise money for prior campaigns?

[14] A If we were trying to get as many people
[15] involved as possible.

[16] Q Were people in the business community
[17] approached to become Pioneers?

[18] A What do you mean by "business community"?

[19] Q People engaged in corporations.

[20] MR. BURCHFIELD: I object to the form.

[21] THE WITNESS: We asked people to help us.
[22] People were excited about George Bush. So there
were

Page 295

[1] people all across the country wanted to help.

[2] BY MR. BONIFAZ:

[3] Q Were people who were in the position of
[4] corporate executives approached to become
Pioneers?

[5] A I'm sure there were instances in which
[6] there were people who worked in business for a living
[7] that were asked to help on the campaign, yes.

[8] Q Why would they be approached?

[9] A Maybe they called to express an interest to
[10] help us.

[11] MR. BONIFAZ: Excuse me one second.

[12] THE WITNESS: Yes, sir.

[13] BY MR. BONIFAZ:

[14] Q Did you target people particularly in the
[15] business community to become Pioneers?

[16] MR. BURCHFIELD: I object to the form.

[17] THE WITNESS: What do you mean "target"?

[18] BY MR. BONIFAZ:

[19] Q Did you focus in any particular way on
[20] people in the business community to become
Pioneers?

[21] A We focus on people all over the country.

[22] Q Right. But, you know, Mr. Oliver, you can

Page 296

[1] pick up a phone book in Boston. You can just start
[2] randomly calling people, or you can decide that's
[3] going to take a lot of time and you may reach a lot
[4] of people who don't have any money to give, don't
[5] have any ability to give. You can also find that you
[6] may get a whole lot of answering machines with
wrong

[7] numbers, and so forth.

[8] Or you can because you have limited time

[9] and you want to be efficient, focus on particular
[10] individuals who you think might be most helpful in
[11] reaching the goals that are set forth by the Pioneer
[12] program.

[13] Wouldn't that correct?

[14] A It would be correct that we reached such
[15] people that we thought would be able to help with the
[16] campaign.

[17] Q Were any of those people from the business
[18] community?

[19] A I'm sure there were people that were from
[20] the business community, from the arts community. I
[21] mean there were a from variety of communities.

[22] Q You just testified you did reach out to

Page 297

[1] particular people you thought would be helpful for
[2] the campaign?

[3] A Sure.

[4] Q In reaching out to pick people who would be
[5] helpful for the campaign, was part of that strategy
[6] to reach out to people in the business community?

[7] MR. BURCHFIELD: I object to the form;
[8] asked and answered.

[9] BY MR. BONIFAZ:

[10] Q You can answer the question.

[11] A I have answered the question.

[12] Q You can answer it again.

[13] A We reached out to people all across America
[14] to try to help in every possible place.

[15] Q Mr. Oliver, I need a yes or no to this
[16] question.

[17] MR. BURCHFIELD: Mr. Bonifaz, I don't
[18] believe he's required to answer yes or no because you
[19] may want him to answer yes or no. I think he tried
[20] to answer the question.

[21] If you want to try it one more time,

[22] Mr. Oliver, listen to the question. If you have

Page 298

[1] anything further to add to you answer feel free.

[2] BY MR. BONIFAZ:

[3] Q Did you make any particular effort in
[4] reaching out to people in the business community to
[5] become Pioneers?

[6] A We reached out to people from a variety of
[7] communities all across America to become helpful in
[8] the campaign.

[9] Q Did you ever get people who you reached
out

[10] to who said, "No, I'm not going to become a
Pioneer"?

[14] A It depends on who we been one of the
[15] regional people that they would be working with.
[16] Q Who were these regional people?
[17] A We had people under me that worked in
[18] different regions.
[19] Q And what were their responsibilities?
[20] A Their responsibilities were to work with
[21] individuals within their regions, individuals.
[22] Q How many regions were there?

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[1] A We had four regional people.
[2] Q What are their names?
[3] A Beth Sturgeon, Travis Thomas, Mary Kate
[4] then Kelley now Johnson, and Heather Larrison.
[5] Q How do you spell the last name?
[6] A L-a-r-i-s-o-n.
[7] Q What were these regions - geographic?
[8] A Geographic.
[9] Q So Beth Sturgeon was for what region?
[10] A They weren't really defined. She had the
[11] Southwest.
[12] Q Travis Thomas?
[13] A Midwest.
[14] Q Mary Kate Kelley Johnson?
[15] A Northeast.
[16] Q Heather Larrison, Northwest?
[17] A Northwest. Beth had a couple Northwest
[18] Heather had some Southeast. The map didn't make
[19] sense necessarily.
[20] Q And these regional people identified and
[21] worked with people in those regions who were signed
[22] up to be Pioneers?

Page 290

[1] A They were responsible for the region. Some
[2] of people in those regions I am sure were signed up
[3] to be Pioneers, but their job was the region.
[4] Q Who was involved in administering the
[5] Pioneer program?
[6] A It was administered - what do you know by
[7] "administering"?
[8] Q Whose direct responsibility was to deal
[9] with the Pioneer program?
[10] A Everybody kind of was involved in it. All
[11] the regional people were involved in it.
[12] Q Was there any one person on the campaign
[13] who had that as a chief responsibility?
[14] A There may have been a staff assistant
[15] there, but I don't remember who if anybody there was
[16] one. Most of them dealt directly with their
[17] individual people in their region.
[18] Q Most of them dealt directly with one of
[19] those four people?
[20] A Yes.
[21] Q And I assume some of them dealt directly
[22] with you?

Page 291

[1] A Oh, sure.
[2] Q In your work dealing directly with
[3] Pioneers, how did you go about recruiting people to

[4] become Pioneers?
[5] MR. BURCHFIELD: Objection; asked and
[6] answered, I think.
[7] You may answer it again.
[8] MR. BONIFAZ: I think I asked how the
[9] campaign did.
[10] Go ahead.

[11] THE WITNESS: People came to us that
[12] wanted
[12] to help.

[13] BY MR. BONIFAZ:
[14] Q How did you -
[15] A People came to me that wanted to help.
[16] Q Right. And what did you tell them about
[17] the Pioneer program?
[18] A I said: "Hey, we've got this deal. If you
[19] want to try to do it we'd love to have you, but we
[20] want your help." This solicitation was for help.
[21] Q What else did you tell them about what the
[22] deal was?

Page 292

[1] A What do you mean by "the deal"?
[2] Q You said, "Hey, we've got this deal." What
[3] does that mean? . What did you tell them?
[4] A If somebody called me and said, "I want to
[5] be a Pioneer," I said, "Great."
[6] If somebody called me and said, "I want to
[7] help," I said, "Great."
[8] It wasn't a specific solicitation for an
[9] individual to become a Pioneer. It was if someone
[10] said they wanted to help and indicated they wanted to
[11] be a Pioneer I said great.
[12] Q Did you ever approach any specific person
[13] to become a Pioneer?
[14] A I'm sure there are instances in which I
[15] asked people to do everything they could for the
[16] campaign and encouraged them become Pioneers,
[17] and I
[17] am sure there are instances of that, but I don't have
[18] specific memory of any one individual.
[19] Q Was is part of the strategy in terms of the
[20] Pioneer program that there would be an effort to
[21] recruit specific people to become Pioneers?
[22] A It was really done more from a geographic

Page 293

[1] standpoint.
[2] Q What do you mean by that?
[3] A When you want to raise money in Boston I
[4] want to go find the people who were successful
[5] fundraising people in Boston.
[6] Q How would you go about doing that?
[7] A In Boston I'd talk to Mary Kate who was
[8] from there originally and who worked for me.
[9] Q What would that conversation be like? What
[10] would you talk about?
[11] A "Hey, we need to go to Boston. Who can we
[12] call to ask to help us?"
[13] Q How would a list of people be generated in
[14] terms of those you can ask to help you?

[18] Q And you were a strategist as well as a
 [19] fundraiser during the campaign?
 [20] A My duty on the campaign was as the national
 [21] finance director.
 [22] Q Did any Pioneers have contacts with

Page 284

[1] political strategists on the campaign?
 [2] A I'm sure there are instances in which they
 [3] did.
 [4] Q You are not aware of any?
 [5] A No. I'm sure there are instances at which
 [6] they did.
 [7] Q What kind of contacts were those?
 [8] A I don't know if a Pioneer was - I mean,
 [9] I'm sure if they were worried that we were losing or
 [10] they thought we needed to be more X or more Y on
 [11] the strategy, they may have called to voice their
 [12] opinion.
 [13] Q Would those phone calls usually be taken?
 [14] A I take every call that people call me. I
 [15] return every single phone call.
 [16] Q Did these Pioneers have any contact with
 [17] candidate Bush or candidate Cheney?
 [18] A What do you mean by "contact"?
 [19] Q Phone contact, in-person contact,
 [20] correspondence contact, e-mail contact.
 [21] A I don't know the answer to that question.
 [22] I'm sure they saw the president,

Page 285

[1] then-governor, if we were at an event, but I don't
 [2] remember specific instances that I was - they would
 [3] see him if they were somewhere together.
 [4] Q In what instance would they be together?
 [5] A While we were in a photo line.
 [6] Q At a fundraising event?
 [7] A At a fundraising event. Maybe they were at
 [8] a rally. It depends on the context.
 [9] Q How many Pioneers, approximately,
 [10] attended this reception that was at the convention?
 [11] A I don't remember how many.
 [12] Q Approximately?
 [13] A A hundred and something, probably.
 [14] Q Were they told ahead of time this was going
 [15] to be something they were invited to?
 [16] A You mean prior to when?
 [17] Q Before the reception.
 [18] A If you wanted them to come to the
 [19] reception, you would have invited them to the
 [20] reception.
 [21] Q How would that invitation take place?
 [22] A I don't remember.

Page 286

[1] Q You had nothing to do with the invitation
 [2] process?
 [3] A I don't remember reviewing the invitation
 [4] process for that event.
 [5] Q Did anyone under you handle the invitation

[6] process for that event?
 [7] A Maybe. Probably. I would guess, yes. I
 [8] don't remember the specifics of it.
 [9] Q Who might that be who handled that?
 [10] MR. BURCHFIELD: I object to the form;
 [11] speculating.
 [12] Answer if you know.
 [13] THE WITNESS: I don't know who handled
 [14] the
 [15] specific.
 [16] BY MR. BONIFAZ:
 [17] Q How were those who signed up to become
 [18] Pioneers or expressed interest in becoming Pioneers
 [19] treated if they did not get that status?
 [20] A What do you mean?
 [21] Q If someone signed up to say, "I'm going to
 [22] raise at least \$100,000 for the Pioneer program," I
 [23] take it there is this tracking system to track how

Page 287

[1] they are doing; is that right?
 [2] A Yes.
 [3] Q And if they did not reach that \$100,000
 [4] goal, were they informed they have yet to reach that
 [5] goal?
 [6] A I don't remember if they were informed. If
 [7] they had inquired about it, I'm sure they were told.
 [8] We may have continued to encourage them, but I
 [9] don't
 [10] remember a specific instance.
 [11] Q Were there people who signed up to become
 [12] Pioneers who did not make that status?
 [13] A Yes.
 [14] Q And were they in contact with the campaign
 [15] as to how they were doing in terms of making that
 [16] status?
 [17] A Oh, yes.
 [18] Q And the campaign would inform them where
 [19] they were on the process of making that status?
 [20] A Yes. If they asked, yes.
 [21] Q Were there ever any instances in which
 [22] someone who had signed up to become a Pioneer and
 [23] did
 [24] not make that status complained about where they
 [25] were

Page 288

[1] in terms of their own tracking and where the
 [2] campaign
 [3] had them?
 [4] A I'm sure there were instances where people
 [5] said, "I'm at X and you got me at Y." I didn't
 [6] interact with that piece. I'm sure there were
 [7] instances.
 [8] Q You can't think of any right now?
 [9] A I don't have a specific memory of one
 [10] particular, but I'm sure, as I said, there were cases
 [11] in which people made that indication that the records
 [12] were not in concert with their own internal records.
 [13] Q Who would have in the person under your
 [14] leadership that would be engaged in that?

[15] Q \$100,000 or more?

[16] A It was clearly hopeful people would reach

[17] as far and wide as they probably could.

[18] Q Were Pioneers treated differently than

[19] donors who did not get to that level?

[20] A What do you mean by treated differently?

[21] Q Were they invited to special events that

[22] other donors were not invited to?

Page 279

[1] A We had events for Pioneers, yes.

[2] Q Were they invited to any meetings that

[3] other donors were not invited to?

[4] A I can't remember if we did a specific

[5] Pioneer meeting or not. I think we may have, but I

[6] don't remember.

[7] Q Were they given any special photo

[8] opportunities that other donors not at that level

[9] were unable to access?

[10] A I'm sure if they would have raised to

[11] Pioneer status they were included in the photo

[12] opportunities if we were in a city that they happen

[13] to be in, yes.

[14] Q Those photo opportunities were not

[15] available to those under that level were?

[16] A No, they would be available to people

[17] significantly under that level.

[18] Q They would not or they would?

[19] A They would be able to people significantly

[20] under that level.

[21] Q I repeat my question. Were they given any

[22] photo opportunities -- Pioneers -- that were not

Page 280

[1] available to people who were not raising at that

[2] level?

[3] A I don't know if we had a specific Pioneer

[4] photo opportunity. At some point we may have.

[5] But the photos were much broader based than

[6] that.

[7] Before we start, can I take a two-minute

[8] break to go to the bathroom?

[9] MR. BONIFAZ: Yes, of course.

[10] (Recessed at 3:40 p.m.)

[11] (Reconvened at 3:45 p.m.)

[12] MR. BONIFAZ: Mr. Oliver, just to make sure

[13] we're clear, you are entitled to take as many breaks

[14] as you need. You have been sitting here a long

[15] time. So, please, just feel free to speak up and say

[16] when you need a break.

[17] THE WITNESS: Okay.

[18] BY MR. BONIFAZ:

[19] Q We were talking about Pioneers and their

[20] treatment by the campaign?

[21] A Mm-hmm.

[22] Q You mentioned that there were thank you

Page 281

[1] events that they may have been invited to that others

[2] were not invited to; is that right?

[3] MR. BURCHFIELD: I object to the form.

[4] THE WITNESS: Can you restate the question,

[5] please?

[6] BY MR. BONIFAZ:

[7] Q You mentioned that there were thank you

[8] events that Pioneers were invited to that other

[9] donors had not been invited to; is that right?

[10] MR. BURCHFIELD: Same objection.

[11] THE WITNESS: I think not. I think there

[12] were probably events that we had that they were

[13] invited to.

[14] BY MR. BONIFAZ:

[15] Q As Pioneers?

[16] A Uh-huh.

[17] Q What kind of events were those?

[18] A I think we had a reception. We may have

[19] had a reception for the Pioneers.

[20] My memory is such we had one. I know we

[21] had one at the convention.

[22] Q So one reception and one event at the

Page 282

[1] convention?

[2] A I know we had a reception at the

[3] convention. I'm trying to remember if there was an

[4] event prior to that. There may have been. I don't

[5] remember the specifics.

[6] Q What happened at this reception at the

[7] convention? Who attended it?

[8] A I think the Pioneers who were in town at

[9] the convention.

[10] Q Who else?

[11] A The finance chairman of the campaign was

[12] there.

[13] Q Who was that?

[14] A Don Evans. Myself was there. I think Carl

[15] Rove may have been there, but I don't remember.

[16] Q Did candidate Bush also attend that event?

[17] A He was not at that event.

[18] Q What was the purpose of that event?

[19] A To say thank you.

[20] Q Why was the campaign wanting to say thank

[21] you to these people?

[22] A They worked hard. We wanted to say thank

Page 283

[1] you. It was a polite thing to do.

[2] Q They worked hard doing what?

[3] A Raising resources.

[4] Q What kind of access did Pioneers get to the

[5] campaign during its operation?

[6] MR. BURCHFIELD: I object to the form.

[7] THE WITNESS: What do you mean by access?

[8] BY MR. BONIFAZ:

[9] Q What kind of influence did the Pioneers

[10] have with the campaign?

[11] A Influence over what?

[12] Q Over any part of it.

[13] A They were volunteers. I don't think they

[14] had influence over the campaign.

[15] Q Did any Pioneers have any contact with you

[16] during the campaign?

[17] A Yes.

[17] argument over all those things.
 [18] It was a way for people to figure out. If
 [19] somebody said, "Ah, I'm going to give money to you,"
 [20] you would be able to go back and see if that check
 [21] actually came in.
 [22] Q Was it in the past that they fought over

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[1] when you talked about fighting?
 [2] A Fighting is the wrong word. I'm trying to
 [3] worry about, oh, I got this person to help or got
 [4] somebody else got this person to help.
 [5] It was an easier way to be able to help
 [6] people understand who had sent the checks and who
 [7] had not.
 [8] Q In the past you had witnessed people who
 [9] were in dispute over what money they had helped
 [10] raise?
 [11] A Sure.
 [12] Q And that dispute was with other people who
 [13] were helping to raise money?
 [14] A Yes.
 [15] Q Why is it they cared?
 [16] A I have no idea why they cared.
 [17] Q What was your understanding of what they
 [18] cared about?
 [19] A I don't know why they cared. You'd have to
 [20] ask them.
 [21] Q What is your personal opinion as to why
 [22] those disputes occurred?

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[1] A I don't know. People come and go. I don't
 [2] know.
 [3] Q Mr. Oliver, you have been involved in a
 [4] number of campaigns based on your bio on your
 [5] website. You have had extensive in fundraising.
 [6] You've just testified that people in the
 [7] past have had disputes over what monies they have
 [8] raised and whether it got credited to them or other
 [9] people.
 [10] A Sure.
 [11] Q And you are testifying here based on your
 [12] personal knowledge and your personal opinion. I'm
 [13] asking you: What is your personal opinion as to why
 [14] those disputes occurred?
 [15] A In my opinion, people are anxious to be
 [16] helpful and are excited about being helpful and like
 [17] to be successful in helping.
 [18] Q So why do they care if someone else is
 [19] getting the credit for something they actually
 [20] raised?
 [21] A I mean, they may be having a photo
 [22] opportunity, or something like that, for people who

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[1] had achieved a certain, you know, raised level. They
 [2] may want to get their picture taken.
 [3] Q How did the Pioneer program operate
 [4] beyond
 [5] the tracking system? I mean, what was the way you

[5] put it in operation?
 [6] A Operate in the sense of?
 [7] Q How did you get people to become
 [8] Pioneers?
 [9] A Some people would call and say: "Hey,
 [10] we're interested in helping. We want to do
 [11] everything we can. We want to be Pioneer."
 [12] "Fine." We sign them up. We go through
 [13] to make sure they sign the form and give them the
 [14] solicitor tracking number and let them go out and try
 [15] to raise money.
 [16] Q Did the campaign solicit people to become
 [17] Pioneers?
 [18] A We solicited people to help on the
 [19] campaign, probably not with a specific purpose of
 [20] them becoming Pioneers, but helping us. Yes, we
 [21] solicited people to help us.
 [22] Q Did you personally solicit people to help
 [23] in the Pioneer program?

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[1] A I solicited people to help in the campaign,
 [2] some of whom became Pioneers.
 [3] Q Did you personally solicit people to help
 [4] in the Pioneer program?
 [5] A I personally solicited people to help with
 [6] the campaign some of whom raised \$100,000 to
 [7] become a
 [8] Pioneer.
 [9] Q Tell me what was this \$100,000 to become a
 [10] Pioneer. What does that mean?
 [11] A That was if you raised \$100,000 it was
 [12] credited to your number. That was how you were
 [13] made
 [14] a Pioneer.
 [15] Q Why was it that you needed to raise
 [16] \$100,000 to become a Pioneer?
 [17] A It was the figure that was chosen.
 [18] Q Who chose it?
 [19] A I don't remember.
 [20] Q What was the purpose of setting a minimum
 [21] threshold of what you needed to raise in order to get
 [22] the label Pioneer?
 [23] A What was the purpose of?
 [24] Q Setting a minimum threshold of \$100,000 in

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[1] order to order to get the label being a Pioneer.
 [2] What was the purpose?
 [3] A It was a number that was selected.
 [4] Q But presumably there was a purpose of
 [5] setting it there and not at a dollar, right? It
 [6] wasn't like if raised a dollar you got the Pioneer
 [7] label?
 [8] A That's correct.
 [9] Q What was the purpose of setting it at
 [10] \$100,000?
 [11] A Just to encourage people to go out and
 [12] raise resources.
 [13] Q In significant sums?
 [14] A What do you mean by "significant"?

[17] Q Of what year?
 [18] A 1999.
 [19] Q So this was money that went directly to the
 [20] Bush campaign?
 [21] A It was George W. Bush's exploratory
 [22] campaign at that time.

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[1] Q How were you able to do that in 120 days,
 [2] \$37 million?
 [3] A There was an enormous level of support
 from
 [4] people all over the country wanting the governor to
 [5] become president of the United States and make the
 [6] run.
 [7] We had events, direct mail solicitations,
 [8] Internet operations that encouraged as many people
 as
 [9] possible to participate in the process.

[10] Q Did you have a structure and a plan
 [11] associated with it?

[12] A Yes. Sure, we had a plan to do some direct
 [13] mail. We had a plan to do some telemarketing. We
 [14] had a plan to reach out to people on the Internet.
 [15] We had a plan to do some events.

[16] Q And in your capacity as national finance
 [17] director, did you oversee the Pioneer program for the
 [18] campaign?

[19] A In my capacity as finance director I was
 [20] responsible for fundraising of the campaign. That
 [21] was part of the fundraising effort. So I guess I
 [22] don't know anybody who was directly responsible for

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[1] it, but clearly it fell under my bailiwick.

[2] Q What was the Pioneer program?

[3] A It was a program where people expressed an
 [4] interest to help the campaign. We brought them
 [5] inside the campaign as authorized agents and
 [6] encouraged them to go out and raise money.

[7] Q What does it mean that they were brought
 [8] into the campaign as authorized agents?

[9] A It means they were given an individual
 [10] solicitor tracking number and instructed on what the
 [11] law was with regard to raising resources.

[12] Q What was the purpose of giving them an
 [13] individual soliciting tracking number?

[14] A So we could make sure that they were
 [15] authorized agents of the campaign following the laws
 [16] the Federal Election Commission had set out.

[17] Q I will return to that matter later.
 [18] Who came up with this idea, Mr. Oliver, of
 [19] the Pioneer program?

[20] A You know, I don't remember specifically
 [21] who
 [22] came up with it. I think maybe Jim Francis came up
 with it, but it's not a light bulb in my head.

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[1] Somebody came up with the idea and fought it.

[2] Q Who is Jim Francis?

[3] A He is a guy from Dallas, Texas.

[4] Q How was employed in the campaign?

[5] A No. He was a volunteer.

[6] Q Did he have a position in the campaign?

[7] A A paid position in the campaign?

[8] Q Did he have a title, even though he was a
 [9] volunteer?

[10] A I don't remember if Jim had a specific
 [11] title or not, but he may have. He's a friend. .

[12] Q What were the goals of the Pioneer
 [13] program?

[14] A The goals were to raise resources for the
 [15] campaign.

[16] Q Is it any different in your understanding
 [17] and your experience than other fundraising
 [18] strategies?

[19] A I don't know what you mean.

[20] Q Is it any different from other event
 [21] strategies, other Internet strategies, other direct
 [22] mail strategies, other telephone strategies, anything

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[1] different about the Pioneer program from other
 [2] fundraising strategies?

[3] MR. BURCHFIELD: I object to the form.

[4] THE WITNESS: I don't understand what you
 [5] are asking.

[6] BY MR. MOGILNICKI:

[7] Q Is there anything unique about the Pioneer
 [8] program compared to other fundraising strategies
 [9] which you employed you in the past with the Bush
 [10] presidential campaign?

[11] MR. BURCHFIELD: Same objection.

[12] THE WITNESS: There was nothing unique in
 [13] the sense of methodology.

[14] BY MR. BONIFAZ:

[15] Q So you've used tracking numbers in the past
 [16] with other kinds of programs?

[17] A I don't know if we used tracking numbers in
 [18] the past. That may be the unique thing that we did,
 [19] the tracking system.

[20] But I haven't been on any other
 [21] presidential campaigns, so I can't answer that
 [22] question on what they've done in the past.

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[1] Q Based on your experience the tracking
 [2] system had not been used before in other campaigns
 [3] you've been on?

[4] A No.

[5] Q Was this better in terms of reaching the
 [6] fundraising goals than other fundraising strategies
 [7] you have been involved with?

[8] A Better in what sense?

[9] Q Reaching the goals.

[10] A We were successful in reaching the goals.
 [11] I'm not sure that it was a better method. It was an
 [12] effective method. It worked.

[13] Q Why was it effective?

[14] A The Pioneer system itself, the tracking
 [15] method was effective because people didn't fight over
 [16] things like they usually did. There wouldn't be an

[17] money?
 [18] A Federal-related dollars as set forth by the
 [19] federal election law.
 [20] Q Is it fair to say this is money that goes
 [21] directly to campaigns?
 [22] A It depends upon when it is raised, how the

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[1] federal hard dollars can be raised by state parties
 [2] and national parties as well.
 [3] Q Have you been engaged in raising federal
 [4] hard dollars during these experiences in different
 [5] political campaigns?
 [6] A Yes.
 [7] Q How do you go about raising hard money?
 [8] What are the ways you have done it?
 [9] A One way is direct mail solicitation, where
 [10] you send out letters and ask people to give money.
 [11] One way is the Internet and asking people
 [12] to send money over the Internet.
 [13] Another way is events where the candidate
 [14] may appear at events. You may have a special guest
 [15] at an event.
 [16] Another way is telephone.
 [17] Those would pretty much be it.
 [18] Q In your capacity as the national finance
 [19] director for the Bush presidential campaign, what was
 [20] the scope of your responsibilities in that position?
 [21] A I was in charge of raising the money for
 [22] the presidential campaign.

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[1] Q Did you go about using all the methods you
 [2] have just gone over doing that?
 [3] A Yes. Let's review those, please.
 [4] Q Direct mail?
 [5] A Yes.
 [6] Q Internet?
 [7] A Yes.
 [8] Q Events?
 [9] A Yes.
 [10] Q Sometimes with the candidate and via
 [11] telephone?
 [12] A Yes. I was involved in all three of those.
 [13] Q Are there any other areas that you engaged
 [14] in in raising money during that campaign?
 [15] A Those would be the primary methods that I
 [16] would have utilized.
 [17] Q Did you pay any special attention to those
 [18] who were able to give the maximum amount of \$1,000
 [19] to
 [20] the campaign in the primary and then in the general
 [21] election, first the primary?
 [22] MR. BURCHFIELD: I object to form.
 THE WITNESS: Can you state the question

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[1] again?
 [2] BY MR. MOGILNICKI:
 [3] Q Did you pay any special attention to
 [4] locating donors who were able to give the maximum
 [5] amount of \$1,000 in the primary election?

[6] A What document by special?
 [7] Q This bio states that you raised a total of
 [8] \$99 million?
 [9] A Uh-huh.
 [10] Q Is it reasonable to assume that in raising
 [11] that kind of money those who were able to give the
 [12] maximum amount under the law were able to get you
 [13] to
 [14] that total faster than those who were giving much
 [15] less?
 [16] MR. BURCHFIELD: I object to the form.
 [17] THE WITNESS: I don't really understand
 [18] what you are - I don't understand the premise of
 [19] your question.
 [20] BY MR. BONIFAZ:
 [21] Q Was a \$5 contributor as important to the
 [22] Bush presidential campaign as a \$1,000 contributor
 was?

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[1] A Every contributor was important to the Bush
 [2] presidential campaign.
 [3] Q Was a \$5 contributor as important as a
 [4] \$1,000 contributor was?
 [5] A In my opinion, yes.
 [6] Q Was a \$5 contributor as important as \$1,000
 [7] contributor in the reaching the goal of \$99 million?
 [8] A They are both important.
 [9] Q What did you do in terms of events in terms
 [10] of organizing them? How did they take place?
 [11] A We did all kinds of events.
 [12] Q Can you describe them?
 [13] A We had lunch events where then-Governor
 [14] Bush would speak at a lunch.
 [15] We would have events where we have other
 [16] people speak around meal time. Sometimes we have a
 [17] party around dinner time and have a dinner event.
 [18] Those would be are two primary times in
 [19] which we had events.
 [20] Q Were there ever any minimum asked at these
 [21] events in terms of what people were expected to
 [22] contribute in order to attend?

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[1] A We had events at different prices.
 [2] Sometimes we had a lot of event that were \$1,000 a
 [3] person.
 [4] Q Why would you have events that were \$1000
 [5] a
 [6] person?
 [7] A We were trying to raise money.
 [8] Q Did the events that were \$1,000 a person
 [9] raise more money overall than events that were far
 [10] less than that?
 [11] A As a whole probably, yes.
 [12] Q In this bio where it says that you raised
 [13] \$37 million in 120 days, what 120-day period does
 [14] that refer to?
 [15] A March 7 to June 30 or 31, one of those two
 [16] days. I'm sorry. I think it was June 30. How many
 days are in June. The end of June.

[18] Q Are you familiar with any particular joint
[19] fundraising committee?
[20] A I know of the existence of some.
[21] Q For example, Senator Mitch McConnell has
[22] a joint fundraising committee; is that correct?

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[1] A I don't know the answer. I don't know if
[2] he has one or not.
[3] MR. MOGILNICKI: I would like to take just
[4] a five-minute break.
[5] THE WITNESS: Sure.
[6] (Recessed at 2:55 p.m.)
[7] (Reconvened at 3:05 p.m.)
[8] MR. MOGILNICKI: Let's go back on the
[9] record just a minute. I just have one or two more
[10] questions.
[11] BY MR. MOGILNICKI:
[12] Q Did Senator Ashcroft ever have a joint
[13] fundraising committee?
[14] A I don't know the answer to that question.
[15] I don't think he did when I was there. I don't know.
[16] MR. MOGILNICKI: That's all the questions I
[17] have.
[18] I know there are other lawyers who want the
[19] opportunity to speak with you.
[20] THE WITNESS: You would have to check
[21] with the people involved in this. They may have had one.
[22] I don't know the answer.

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[1] MR. MOGILNICKI: Thank you. I appreciate
[2] the opportunity to speak with you.
[3] MR. MOGILNICKI: Off the record.
[4] (Discussion off the record.)
[5] (Recessed at 2:55 p.m.)
[6] (Reconvened at 3:08 p.m.)
[7] MR. BURCHFIELD: We have a bit of an odd
[8] situation here in that as I understand it we have
[9] about an hour and a half left of the deposition of
[10] Jack Oliver as Jack Oliver or Jock as his friends
[11] know him, and then we go to the 30(b)(6) deposition
[12] which you have separately noticed.
[13] So, for the next hour and a half he is
[14] going to be deposed in his personal capacity and he
[15] will continue to answer questions based upon
[16] personal knowledge.
[17] THE WITNESS: Right.
[18] MR. BURCHFIELD: That's equity.
[19] MR. BONIFAZ: A that's our understanding.
[20] EXAMINATION
[21] By MR. BONIFAZ:
[22] Q Hello again, Mr. Oliver. My name is John

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[1] Bonifaz. I am the executive director of the National
[2] Voting Rights Institute of Boston with my colleague
[3] and co-counsel for the Adams plaintiffs, Lisa
[4] Danetz.

[5] We represent the Adams plaintiffs, which is
[6] one of the 11 consolidated cases challenging certain
[7] provisions of the Bipartisan Campaign Reform Act.
[8] We are on behalf of our clients challenging
[9] the constitutionality of the increases in the hard
[10] money limits, those that go from \$1,000 to \$2,000
[11] overall per individual and then in certain instances
[12] with self-funding candidates up to as much as \$12,000
[13] per individual.
[14] The questions that I'm going to ask for the
[15] remaining part of this deposition will focus on your
[16] personal knowledge with respect to hard money in
[17] particular.
[18] First, I just want to introduce into the
[19] record Exhibit Number 15.
[20] (Oliver Exhibit 15 identified.)
[21] (Witness examined the document.)
[22] BY MR. BONIFAZ:

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[1] Q We got this from the RNC website.
[2] Mr. Oliver, do you recognize this bio of you on the
[3] RNC website?
[4] A Yes.
[5] Q I would like to turn your attention just to
[6] the second paragraph there and I will read into the
[7] record:
[8] "Jack Oliver was the National Finance
[9] Director for Governor George W. Bush's presidential
[10] campaign. Under this position, Jack led the campaign
[11] to break all fundraising records, including raising
[12] \$37 million in 120 days and a total of \$99 million."
[13] And the fourth paragraph:
[14] "Jack Oliver has served in various
[15] political, financial, and managerial roles in
[16] campaigns and well as the offices of Senator Jack
[17] Danforth, Senator Kit Bond, John Ashcroft,
[18] Congressman Bill Emerson and the Missouri
[19] Republican Party."
[20] All of that is correct?
[21] A That's correct.
[22] Q Based on your experience in political

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[1] campaigns over the years, can you state your opinion
[2] on how important hard money is in the political
[3] process for candidates running for federal office?
[4] A What do you mean?
[5] Q What level of importance does hard money
[6] play with respect to your background in running or
[7] helping to manage political campaigns?
[8] MR. BURCHFIELD: I object to form.
[9] THE WITNESS: Raising federal money if you
[10] are running for federal office is very important.
[11] BY MR. BONIFAZ:
[12] Q Why?
[13] A So that you get your candidate known in
[14] what he or she believes.
[15] Q With respect to the hard money raising,
[16] first, let me be clear, how do you define hard

[17] of the event that is for people who gave less money?
 [18] A It's a matter of opinion. Often it is a
 [19] photo opportunity.
 [20] Q Which the larger donors receive and the
 [21] smaller donors do not?
 [22] A In some cases, yes.

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[1] MR. MOGILNICKI: Let's mark this as Exhibit
 [2] 14. This is a highly confidential document. It is
 [3] Bates stamped RNC 0201614.
 [4] (Oliver Exhibit 14 identified.)
 [5] BY MR. MOGILNICKI:
 [6] Q Look at the one that has been marked
 [7] Exhibit 14.
 [8] MR. BURCHFIELD: 14?
 [9] MR. MOGILNICKI: Yes.
 [10] (Witness examined the document.)
 [11] BY MR. MOGILNICKI:
 [12] Q Have you seen this document before?
 [13] A No.
 [14] Q By "document" I mean the format, not
 [15] obviously the individual document?
 [16] A No.
 [17] Q Does it refresh your recollection regarding
 [18] the tiering of the event the at the vice president's
 [19] residence?
 [20] A By tiering you mean having two separate
 [21] events?
 [22] Q It appears that Regents were invited to

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[1] attend this event at 6:30 and members of Team 100
 [2] were not welcome until 7 o'clock. That's how I'm
 [3] reading this document.
 [4] Does that seem right to you?
 [5] A I never seen the document. So I don't know
 [6] the specifics of that are.
 [7] Q Do you have recollection as whether or not
 [8] Regents had sometime during which they were
 [9] welcome
 [10] at the vice president's residence that was prior to
 [11] the time that members of Team 100 were welcome?
 [12] A There was a photo opportunity prior to the
 [13] remarks which started earlier.
 [14] Q Did that photo opportunity go roughly from
 [15] 6:30 to 7?
 [16] A I don't know exactly the time it happened.
 [17] Q Do you have any other information about
 [18] what happened between 6:30 and 7 when the Regents
 [19] were welcome but Team 100 was not?
 [20] A No, I do not.
 [21] Q Do you have any understanding of the
 [22] reasons for allowing the Regents to arrive a half an
 hour earlier than members of the Team 100?

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[1] A I don't. I'm sorry.
 [2] Q And Regents had given \$250,000; is that
 [3] correct?
 [4] A That's correct.
 [5] Q And Team 100 is \$100,000?

[6] A Yes.
 [7] Q Was the event at the vice president's
 [8] residence a fundraising event?
 [9] A No.
 [10] Q What were the criteria for deciding who
 [11] would be invited to this event?
 [12] A There were people that were involved in the
 [13] gala leadership and there were also RNC members
 [14] that were involved invited too.
 [15] Q What was the purpose of this event?
 [16] A To thank people for their help.
 [17] Q Whose idea was it, do you know?
 [18] A I don't remember whose idea it was.
 [19] Q How many events have there been at the vice
 [20] president's residence during the Bush presidency?
 [21] A One that I can recall.
 [22] Q Are there any plans for the vice

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[1] president's residence?
 [2] A No.
 [3] Q Have you planned events at the residences
 [4] of Members of Congress? By "you" I mean the RNC.
 [5] A Not to my memory. For the RNC - I don't
 [6] think so, but I could be wrong. There could be one
 [7] that I just don't remember. I don't remember any.
 [8] Q Were Team 100 members aware of the fact
 [9] that Regents were invited to arrive half an hour
 [10] earlier than they were?
 [11] A I have no idea. I don't know the answer to
 [12] that question.
 [13] Q Were Regents aware that they were invited
 [14] to arrive a half hour earlier than members of the
 [15] Team 100?
 [16] A I don't know. You'd have to ask them. I
 [17] don't know.
 [18] Q What is a joint fundraising committee?
 [19] MR. BURCHFIELD: I object to the
 [20] foundation.
 [21] THE WITNESS: What do you mean?
 [22] BY MR. MOGILNICKI:

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[1] Q Have you heard of something called a joint
 [2] fundraising committee?
 [3] A Yes, I have heard of the term "joint
 [4] fundraising committee" before.
 [5] Q What is your understanding of what a joint
 [6] fundraising committee is?
 [7] A It is an agreement between parties to come
 [8] together and split up resources based on a formula
 [9] that's laid out prior to an event.
 [10] Q And is it typically an agreement between a
 [11] candidate and a party organization?
 [12] A It could be. It could be multiple
 [13] parties. It could be multiple candidates.
 [14] Q Can a joint fundraising committee raise
 [15] soft money as well as hard money?
 [16] A It depends on how it is structured and what
 [17] the setup of the committee is.

[20] believe you indicated he's a friend of yours; is that
[21] true draw?

[22] A He is a friend of mine.

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[1] Q Do you agree with his comment in the
middle

[2] of Exhibit 1? He says:

[3] "With friends like that, we can understand

[4] why the Democrats are so passionately fighting
common

[5] sense efforts to limit to damages and lawyers'

[6] fees."

[7] A "With friends -

[8] Q - like that..."

[9] A Do I agree with the what, with his
[10] statement.

[11] Q With his statement, yes.

[12] A Not really.

[13] Q Why not?

[14] A Because I think it is more that they just
[15] have the wrong position on this issue.

[16] Q Who's the they?

[17] A The Democrats.

[18] Q And you don't think the Senate Democrats
[19] were at all announced by the \$4.5 million raised by
[20] the trial lawyers in the 2002 election cycle
[21] according to Exhibit 13?

[22] A I have no idea.

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[1] Q Would you at least agree with me that Mitch
[2] Bainwol seems to have that idea?

[3] A You'd have to ask him.

[4] Q Have you ever had a conversation with Mitch
[5] Bainwol about the influence of trial lawyers on
[6] American politics?

[7] A I may have. I don't remember whether I
[8] have or not.

[9] Q Have you ever had a conversation with
[10] anyone about the influence of trial lawyers on the
[11] Democratic Party?

[12] A I am sure in my political career I have had
[13] a conversation with people about trial lawyers. I
[14] don't know if it was about the specific influence of
[15] legislation, but I have had conversations about trial
[16] lawyers.

[17] Q What are your views on the influence trial
[18] lawyers have in American politics?

[19] A They position that they advocate.

[20] Q Excuse me?

[21] A They have a position they advocate.

[22] Sometimes they do it effectively; sometimes they

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[1] don't.

[2] Q Is part of the way they advocate that
[3] position is giving large amounts of soft money to the
[4] Democrats?

[5] A I don't know. You'd have to ask them. I
[6] can't speak to the Democratic Party what the trial
[7] lawyers motivations are.

[8] Q In 2001 did the RNC host a gathering at
[9] Vice President Dick Cheney's residence?

[10] A There was an event in 2001 as the vice
[11] president's residence, yes.

[12] Q Was it hosted by the RNC?

[13] A Yes.

[14] Q Did the RNC pay the expenses of the event?

[15] A Yes.

[16] Q Who attended that event?

[17] A It was attended by the leadership of the
[18] gala and some RNC members primarily.

[19] Q Did you attend it?

[20] A Mm-hmm. Yes. I'm sorry I didn't say yes.

[21] Yes, I did.

[22] Q You're getting it just in time. Can you

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[1] tell me what federal officials attended?

[2] A I don't know who was there. I don't know
[3] besides the vice president would else was there. I
[4] don't recall.

[5] Q Do you recall seeing any Senators?

[6] A I don't remember.

[7] Q You don't recall seeing any Congressmen?

[8] A There may have been some there, but I don't
[9] remember any specifics.

[10] Q Do you remember there being a reception
[11] that was tiered according to how much people had
[12] given to the RNC?

[13] A Tiered in what sense?

[14] MR. BURCHFIELD: I object to form.

[15] BY MR. MOGILNICKI:

[16] Q By tiered I mean people who had given a
[17] certain amount of money had a separate opportunity
to

[18] meet with others at the event, separate and apart
[19] from those who had given, say, less money?

[20] MR. BURCHFIELD: I object to form.

[21] THE WITNESS: I don't know what you mean
by

[22] "meet."

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[1] BY MR. MOGILNICKI:

[2] Q First of all, are you familiar with the use
[3] of the word tier for a fundraising event?

[4] A I have heard the word tier before, yes.

[5] Q When an event is tiered, does that mean
[6] that RNC people who have given different amounts
of

[7] money are grouped separately from each other?

[8] A Yes. I mean I have heard of that being
[9] done before.

[10] Q Why is it done?

[11] A Sometimes there is a picture, a photo
[12] opportunity for one group over another sometimes
[13] which is to have different events.

[14] Q When groups are separated by how much
they

[15] gave typically is the event which involves people who

[16] gave more money is it more intimate than the portion

[22] like to know?

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[1] A In my opinion people like to know because
 [2] they want to see who is supporting whom.
 [3] Q Does that help people understand how a
 [4] Senator might act in the future?
 [5] A Not necessarily.
 [6] Q So you don't think there is any necessary
 [7] connection at all between the support of the trial
 [8] lawyers for John Edward and how John Edwards will
 [9] perform in the United States Senate?
 [10] A That's not my calculation to draw. It's up
 [11] to the people, not me.
 [12] Q What's your view?
 [13] A My view is that it's important to put the
 [14] information out there and let people decide on their
 [15] own.
 [16] Q So people might conclude that Senator
 [17] Edwards would be affected by who gave him soft
 [18] money?
 [19] MR. BURCHFIELD: I object to form.
 [20] THE WITNESS: I don't know what people
 [21] would think about Senator Edwards. We wanted to
 [22] put the fact out there that Fred Baron had given him a lot of money.

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[1] BY MR. MOGILNICKI:
 [2] Q You also put out facts relating to trial
 [3] lawyers who had given a lot of money to Senator
 [4] Edwards, isn't that true?
 [5] A Yes.
 [6] Q Do you think voters learn anything
 [7] important about Senator John Edwards after reading
 [8] this RNC research report?
 [9] A I think voters learn about Fred Baron, who
 [10] Fred Baron is.
 [11] Q Then why is Senator John Edwards
 [12] mentioned
 [13] in this RNC research report?
 [14] A I don't know why he's mentioned.
 [15] Q Why would the RNC care about the public
 [16] knowing about Fred Baron absent his relationship
 [17] with
 [18] a United States Senator?
 [19] A From his comments he seems to make
 [20] interesting statements.
 [21] Q About what?
 [22] A Asbestos litigation.
 [23] Q Are you referring to the first page of
 [24] Exhibit 12?

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[1] A Uh-huh.
 [2] Q Is that a yes?
 [3] A Yes.
 [4] Q And Fred Baron says, according to the RNC
 [5] research document, "...there is another reason
 [6] legislative solution to the asbestos litigation
 [7] crisis won't happen." Then he continues: "'The

[8] plaintiffs' bar is all but running the Senate.'"
 [9] Do you agree with Fred Baron's
 [10] characterization?
 [11] MR. BURCHFIELD: I object to the form of
 [12] the question. I think it's a bit misleading.
 [13] THE WITNESS: Do I agree with what?
 [14] BY MR. MOGILNICKI:
 [15] Q You can read the entire quote here on page
 [16] 1 of Exhibit 12, and I will read it into the record.
 [17] The research report says:
 [18] "Baron boasts that trial lawyers run the
 [19] U.S. Senate."
 [20] "Lastly, there is another reason
 [21] legislative solution to the asbestos litigation
 [22] crisis Won't happen. I picked up my Wall Street

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[1] Journal last night and what did I learn? 'The
 [2] plaintiffs' bar is all but running the Senate. Now,
 [3] I really, strongly disagree with that, particularly
 [4] the words 'all but.'"
 [5] That is supposedly a quote from Fred
 [6] Baron.
 [7] Do you agree with Fred Baron if he
 [8] indicated that he thought the plaintiffs bar was all
 [9] but running or worse - let me withdraw that. Do you
 [10] agree with Fred Baron that plaintiffs bar has
 [11] influence in the United States Senate?
 [12] A What do you mean "influence"?
 [13] Q The ability to reflect the outcome of
 [14] legislation.
 [15] MR. BURCHFIELD: Objection.
 [16] THE WITNESS: I don't know. I don't have an
 [17] involvement with the plaintiffs bar. I don't know
 [18] the answer to that question.
 [19] BY MR. MOGILNICKI:
 [20] Q You have no idea if the trial lawyers have
 [21] influence on the Democratic Party?
 [22] A Only by what Fred Baron said.

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[1] Q So is it your testimony today that in your
 [2] view you are unable to express an opinion as to
 [3] whether or not the trial lawyers influence Democratic
 [4] Senators?
 [5] A I can't speak to the mind of Democratic
 [6] Senators. I don't know.
 [7] MR. MOGILNICKI: I would like to introduce
 [8] another exhibit, Exhibit 13. This is a one-page
 [9] printout. This is from the National Republican
 [10] Senatorial Committee website. Take a moment to
 [11] read
 [12] this from the news desk of the NRSC.
 [13] (Oliver Exhibit 13 identified.)
 [14] (Witness examined the document.)
 [15] BY MR. MOGILNICKI:
 [16] Q Have you reviewed Exhibit 13?
 [17] A Mm-hmm.
 [18] Q Have you seen this document before?
 [19] A No.
 [20] Q You mentioned earlier Mitch Bainwol, and I

[22] Q Why is he relevant to the RNC?

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[1] A Because of some interesting comments he
[2] said that he made. He's interesting fodder.

[3] Q What is the political significance of Fred
[4] Baron?

[5] A It is important to know. We thought it was
[6] important for people to know what he was and what
[7] he said.

[8] Q Why don't I show you a piece from the RNC
[9] website? It is an article titled "Who is Fred
[10] Baron?" It is not Bates stamped. It is one five
[11] pages long. Let's mark it as Exhibit 12.

[12] (Oliver Exhibit 12 identified.)

[13] BY MR. MOGILNICKI:

[14] Q I don't need you to read the whole thing.
[15] Jack, I would just like to ask you a few questions
[16] about it in general and a section or two I would
[17] direct you to.

[18] A May I look through it real quick to make
[19] sure if I have seen it before?

[20] Q Sure.

[21] A (Witness examined the document.) Okay.

[22] Q What is this document, Exhibit 12?

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[1] A This is a research, as it says in the top
[2] "RNC Research Document."

[3] Q Are you familiar with this document?

[4] A I have seen it before.

[5] Q Do you typically review RNC research
[6] documents before they are made available to the
[7] public?

[8] A Yes.

[9] Q Who is most directly responsible for RNC
[10] research documents?

[11] A Tim Griffin.

[12] Q What is Tim's title?

[13] A Director of research.

[14] Q Do you know who authored this document,
[15] Exhibit 12?

[16] A No, I do not.

[17] Q The third line says that Fred Baron has a
[18] cozy relationship with fellow personal injury trial
[19] lawyer Senator John Edwards.

[20] Can you describe what you mean by "cozy
[21] relationship"?

[22] A I didn't write it, so I don't know what

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[1] that means.

[2] Q Do you know what the RNC research paper
[3] means by "cozy relationship"?

[4] A No, I don't.

[5] Q Why does the RNC feel it is appropriate to
[6] bring Fred Baron's relationship with Senator John
[7] Edwards to additional public attention?

[8] A It's important for people to know. It is
[9] part of the open and free debate.

[10] Q What exactly is it important for people to

[11] know about the Edwards-Baron relationship?

[12] A The piece was, I think as it says right
[13] here, "Senator Edwards has been one of the trial
[14] lawyers' chief contribution targets and walks through
[15] money that they have raised from trial lawyers."

[16] Q Actually, I want to direct you right below
[17] where it says "Senator Edward one of the trial
[18] lawyers' chief contribution targets" there is a
[19] section that says:

[20] "Edwards' Soft Money PAC Received More

[21] Than 90% Of Its Contributions In The First Quarter
[22] Of

2002 From Personal Injury Trial Lawyers."

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[1] Do you see that?

[2] A Uh-huh.

[3] Q Why is that fact something that the RNC
[4] wants to make sure people know about?

[5] A People make their own determinations. It
[6] is part of just making sure that the information is
[7] in the public domain.

[8] Q There's a lot of information out there in
[9] the world. I assume the RNC makes decisions about
[10] what information to put forward on its website.
[11] I'm asking you if you have any idea why the
[12] RNC chose this fact to report on its website?

[13] A I don't know. You'd have to ask the person
[14] who did that piece.

[15] Q Do you think there is any relevance to
[16] American voters in knowing that Edwards' soft
[17] money

[18] PAC received more than 90 percent of its
[19] contributions in the first quarter of 2002 from
[20] personal injury trial lawyers?

[21] A Sure. Why not? It's Americans' right to
[22] know.

Q Why would it be relevant to them?

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[1] A People like to find out who is giving
[2] money.

[3] Q Why do people like to find out who is
[4] giving money?

[5] A I don't know. It's part of public
[6] disclosure.

[7] Q You have no idea why people like to know
[8] who is giving money to which candidates?

[9] A I mean, it's an opinion. You're asking me
[10] an opinion question.

[11] Q I am asking an opinion question.

[12] MR. BURCHFIELD: I object to the
[13] foundation.

[14] THE WITNESS: Can you restate the question,
[15] please?

[16] MR. MOGILNICKI: Could you just read it
[17] back, please?

[18] (The reporter read the record as requested.)

[19] THE WITNESS: People just like to know.

[20] BY MR. MOGILNICKI:

[21] Q Do you have any opinion as to why people

[2] people that were involved in the campaign.
 [3] Q How often would you say you spoke to Ken
 [4] Millman about people who had given substantial
 sums
 [5] to the RNC?
 [6] A I would say not frequently.
 [7] Q More than 10 times?
 [8] A Over the last two years?
 [9] Q Yes.
 [10] A I don't recall the exact number.
 [11] Q What is your best estimate?
 [12] MR. BURCHFIELD: I object to form.
 [13] THE WITNESS: I think probably - I don't
 [14] know - maybe 15, 20 times.
 [15] BY MR. MOGILNICKI:
 [16] Q Were some of those appointments to be
 [17] ambassadors?
 [18] A Oh, I'm sure, yes.
 [19] Q Would you speak with anyone besides the
 two
 [20] offices you have mentioned so far with regard to
 [21] ambassadorial appointments?
 [22] A I'm trying to think. Those are the two

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[1] offices that I primarily was in contact with.
 [2] Q Were there any others?
 [3] A I don't know if I ever contacted anyone
 [4] else, But I can't say that I never did.
 [5] MR. MOGILNICKI: I would like to mark
 [6] another highly confidential document as Exhibit 11.
 [7] This one has been Bates stamped RNC 0234487
 through
 [8] 0234494. The back part is a resume which I'm happy
 [9] to let you skim, but I would like you to focus your
 [10] attention on the first two pages.
 [11] THE WITNESS: Okay.
 [12] (Oliver Exhibit 11 identified.)
 [13] THE WITNESS: The first two pages.
 [14] MR. MOGILNICKI: Yes, just the fax cover
 [15] sheet. In fact, just the fax cover sheet will be
 [16] fine. You are welcome to skim the rest, but I won't
 [17] ask you any questions but the first page. .
 [18] (Witness examined the document.) Okay.
 [19] BY MR. MOGILNICKI:
 [20] Q Who is Ed Dauer?
 [21] A I don't know.
 [22] Q Do you remember receiving this fax?

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[1] A No.
 [2] Q Whose handwriting is it on the upper
 [3] right-hand side of the first page of Exhibit 11?
 [4] A I don't know.
 [5] Q Do you remember anything about Ed Dauer
 [6] seeking an appointment?
 [7] A I don't remember any specifics about Ed
 [8] Dauer seeking an appointment, no.
 [9] Q Who is Madeline Ricci?
 [10] A I think that's Al Hoffman's secretary. Yes
 [11] that is. I don't know her official title. She is

[12] Mr. Hoffman's assistant.
 [13] Q Who Al Hoffman again?
 [14] A Al Hoffman was the former finance
 chairman
 [15] of the Republican National Committee.
 [16] Q Did Al often send you resumes and tell you
 [17] "that we need to accommodate this"?
 [18] A I don't know if Al - I don't know how to
 [19] characterize them.
 [20] Q Did you often receive resumes from Al
 [21] Hoffman?
 [22] A I have received resumes from Al Hoffman in

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[1] the past, yes.
 [2] Q Why would Al Hoffman think you were the
 [3] appropriate person to send a resume to?
 [4] A I don't know. You would have to ask him
 [5] why he sent it to me.
 [6] Q If Al Hoffman sent you a resume saying, "We
 [7] need to accommodate someone," what efforts if any
 [8] would you take to accommodate their interest in a
 [9] position in the Bush administration?
 [10] A I don't know Eddie Dauer, so I would have
 [11] probably not have taken any action on this.
 [12] May I take a five-minutes bathroom break?
 [13] MR. MOGILNICKI: Yes. Let's take a break.
 [14] END CONFIDENTIAL SESSION
 [15] (Recessed at 2:23 p.m.)
 [16] (Reconvened at 2:30 p.m.)
 [17] MR. MOGILNICKI: Back on the record after
 a
 [18] short break.
 [19]
 [20]
 [21]
 [22]

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[1] OPEN SESSION
 [2] MR. MOGILNICKI: We are no longer in
 highly
 [3] confidential section of the transcript.
 [4] THE WITNESS: May I ask a question as to
 [5] what that means.
 [6] MR. MOGILNICKI: The parties have
 [7] designated some documents as highly confidential.
 [8] A Okay.
 [9] Q That means they are even harder for people
 [10] not in the lawsuit to find. That's a way of
 [11] protecting the privacy of certain information.
 [12] THE WITNESS: Thank you.
 [13] BY MR. MOGILNICKI:
 [14] Q Who is Fred Baron?
 [15] A Fred Baron - we just put a piece out on
 [16] him.
 [17] Q With a title who is Fred Baron?
 [18] A Yes.
 [19] Q Can you tell me what you know? And I will
 [20] show you the piece?
 [21] A He is a plaintiff's attorney.

[3] A He contacted me and asked me who he should
 [4] call to express his desire, and I indicated for him
 [5] to call the office of presidential personnel.
 [6] Q And that's the entirety of your support for
 [7] his nomination?
 [8] A I am sure I encouraged him during the
 [9] process personally.
 [10] Q Did you speak to anyone besides Paul Speltz
 [11] about Paul Speltz's interest in serving the
 [12] administration?
 [13] A I don't know if I did or not. I may have,
 [14] but I don't know the answer.
 [15] Q Has any major donor ever asked you to
 [16] assist them in securing an appointment in the Bush
 [17] administration?
 [18] A Can you explain what you mean?
 [19] Q Has any major donor, let's say someone who
 [20] has given \$50,000 or more - I know major donors -
 [21] let's say substantial donors so the nomenclature will
 [22] be clear - has anyone who has given more than

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[1] \$50,000 to the RNC asked for your assistance in
 [2] securing an appointment within the Bush
 [3] administration?
 [4] A I am sure there are people who have helped
 [5] that have asked for my support. But, you know, I
 [6] explained to them how to make their opinions and
 [7] their desires known and if there is a letter or fax I
 [8] will send it over, but if somebody asked me, you
 [9] know, about the person I'll tell them what I know
 [10] about the person.
 [11] Q Do you have ever initiate a conversation
 [12] about the person with someone in position to
 [13] influence the decision whether or not to hire
 [14] someone?
 [15] A I don't have one.
 [16] MR. BURCHFIELD: I object to form.
 [17] THE WITNESS: I'm sorry.
 [18] MR. BURCHFIELD: I object to form.
 [19] THE WITNESS: Can you repeat the question,
 [20] please?
 [21] MR. MOGILNICKI: Sure.
 [22] BY MR. MOGILNICKI:

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[1] Q We've established, I believe, that
 [2] substantial donors sometimes ask for your help in
 [3] securing an appointment in the Bush administration.
 [4] Have we gotten that far? Have we agreed on
 [5] that?
 [6] A Yes.
 [7] Q You testified that you would talk to them
 [8] about potential positions, talk to the person seeking
 [9] the appointment; is that right?
 [10] A No. I told you that I would explain to
 [11] them who they needed to contact at the office of
 [12] presidential personnel to express their desire.
 [13] Q Did you ever speak on behalf or in favor of
 [14] someone being appointed to the Bush

administration:

[15] A Oh, I'm sure I did. I'm sure.
 [16] Q With whom would you speak?
 [17] A It depends on the position.
 [18] Q Did you have those kinds of communications
 [19] on behalf of or in favor of people who had given
 [20] substantial money to the RNC?
 [21] MR. BURCHFIELD: I object to form.
 [22] THE WITNESS: Can you give me more

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[1] specifics?
 [2] MR. MOGILNICKI: No. I can have the
 [3] question read back.
 [4] THE WITNESS: Would you read me the
 [5] question?
 [6] (The reporter read the record as requested.)
 [7] THE WITNESS: I indicated to people support
 [8] for people, absolutely.
 [9] BY MR. MOGILNICKI:
 [10] Q Support for people who had given
 [11] substantial funds to the RNC?
 [12] A Support for all kinds of people.
 [13] Q I'm asking about people who gave
 [14] substantial funds to the RNC. I just want to make
 [15] sure the record is clear.
 [16] Did you ever speak on behalf or in favor of
 [17] the appointment of a person who had given
 [18] substantial
 [19] dollars to the RNC?
 [20] A Yes.
 [21] Q Can you give me an example?
 [22] A I'm sure Tony Gioia. I'm sure I expressed
 [23] that he was a great guy and take a look at him. It

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[1] wasn't in the decision process though. And I would
 [2] pass that along.
 [3] Q Pass it along to whom?
 [4] A Office of presidential personnel.
 [5] Q Did you ever speak with someone outside
 [6] the
 [7] office of presidential personnel in support of or in
 [8] favor of the appointment of someone who gave
 [9] substantial amounts of money to the RNC?
 [10] A Yes.
 [11] Q Can you give me an example?
 [12] A I would have expressed support to the
 [13] office of political affairs as well potentially.
 [14] Q Who at the office of political affairs
 [15] would communicate with you guys?
 [16] A I would probably have expressed it to Ken
 [17] Millman.
 [18] Q Do you recall how many times you had a
 [19] conversation with Ken Millman about a potential
 [20] administration appointee he?
 [21] A We talked about people. I mean there are a
 [22] ton of people that worked on the campaign that we've
 [23] talked about. You know that's everybody from people

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[1] who are Schedule Cs to 20-year old kids, you know,

[4] sums to the RNC?
 [5] MR. BURCHFIELD: I object; foundation.
 [6] THE WITNESS: I didn't ask her for a list
 [7] of people who had given money. I just asked her for
 [8] a list.
 [9] BY MR. MOGILNICKI:
 [10] Q Is Heather Patterson an expert on trade
 [11] policy?
 [12] A No.
 [13] Q Is she an expert on cancer?
 [14] A No.
 [15] Q Is she deeply familiar with who has given
 [16] money to the RNC?
 [17] A Yes.
 [18] Q So when you asked her to put together a
 [19] list, did you believe she was going to do research on
 [20] who the leading cancer specialists were or research
 [21] on who had given money to the RNC?
 [22] MR. BURCHFIELD: I object to form and

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[1] foundation.
 [2] THE WITNESS: I don't know where she
 would
 [3] pull the list from.
 [4] BY MR. MOGILNICKI:
 [5] Q What did you intend her to do?
 [6] A To see if she knew of anybody that we could
 [7] recommend. As you see by what she said we don't
 [8] cancer specialists.
 [9] Q What list did you expect her to use to
 [10] identify candidates for these boards?
 [11] A I didn't specify what list she should use.
 [12] Q What was your expectation what list she
 [13] would use?
 [14] A People that may fit the profiles as listed
 [15] below.
 [16] Q Who is Jim Click?
 [17] A Jim Click is a gentleman from Arizona.
 [18] Q Did he give substantial sums to the RNC?
 [19] A Yes.
 [20] MR. BURCHFIELD: I object to form.
 [21] BY MR. MOGILNICKI:
 [22] Q Do you know of any reason he would be an

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[1] appropriate person to serve on the Advisory
 Committee
 [2] for Trade Policy Negotiations?
 [3] A Yes. He is a CEO of a retailer and a small
 [4] business.
 [5] Q Is there anyone on this list who is
 [6] unfamiliar to you as someone who has given a
 [7] substantial sum to the RNC?
 [8] MR. BURCHFIELD: Object to form.
 [9] THE WITNESS: Would you repeat the
 [10] question, please?
 [11] BY MR. MOGILNICKI:
 [12] Q Is there anyone on the list who you don't
 [13] know to be someone who gave or caused to be given a
 [14] substantial amount of money to the RNC?

[15] A Can you say that? I don't understand what
 [16] you are asking me.
 [17] Q Sure. Go down the list, please, and tell
 [18] me the names here that you don't recognize as having
 [19] given a substantial sum of money to the RNC or
 having
 [20] caused someone to give a substantial sum of money to
 [21] the RNC.
 [22] A I don't know if Barbara Franklin gave a

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[1] substantial sum of money to the RNC.
 [2] I don't know if Steve Letbetter or Bill
 [3] McCormick gave a substantial amount of money to
 the
 [4] RNC.
 [5] Barbara Franklin was a former commerce
 [6] secretary.
 [7] Q Is there anyone else on these two lists
 [8] that you don't know to have given a substantial sum
 [9] to the RNC?
 [10] A I don't know if Tony Alexander gave a
 [11] substantial sum. I think so. I don't know.
 [12] I also don't if Ken Derr gave a substantial
 [13] sum, but I think so.
 [14] Q Is there anyone else on these lists who you
 [15] don't know who have given a substantial sum to the
 [16] RNC?
 [17] A No.
 [18] MR. MOGILNICKI: I would like to mark as
 [19] Exhibit 10 a single page document. It's marked
 [20] highly confidential. It's RNC 0234667. It's a
 [21] series of e-mails.
 [22] (Oliver Exhibit 10 identified.)

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[1] MR. BURCHFIELD: This is one page, right?
 [2] MR. MOGILNICKI: Yes.
 [3] (Witness examined the document.)
 [4] BY MR. MOGILNICKI:
 [5] Q Who is Paul Speltz?
 [6] A He is a person I know from the campaign.
 [7] Q How do you know him from the campaign?
 [8] A He helped us during the campaign.
 [9] Q Did he help raise money?
 [10] A Uh-huh.
 [11] Q That's a yes?
 [12] A Yes. He did help us raise money.
 [13] Q How much money would you say Paul Speltz
 [14] helped raise?
 [15] A Not very much.
 [16] Q Do you have sense of how much?
 [17] A I don't know the exact amount. I don't
 [18] think he was a Pioneer, but I'm not sure.
 [19] Q He says at the bottom of the page, "Thanks
 [20] for the support on the nomination."
 [21] Can you tell me what you think he meant by
 [22] that?

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[1] A I have no idea what he meant by that.
 [2] Q Did you help him with the nomination?

[2] interested to anyone else?

[3] A I'm sure I did.

[4] Q To whom would you have passed it on?

[5] A I probably would have sent it over to the
[6] office presidential personnel, either that or I would
[7] have sent him to the website. There was a website
[8] that you send them. There is a form they had to fill
[9] out to express their interest.

[10] Q Who would you talk to in the office of
[11] presidential personnel?

[12] A I would usually send stuff over to just the
[13] office, Clay Johnson over in the office or maybe one
[14] of his deputies.

[15] Q Who is Clay Johnson?

[16] A He is in charge of presidential personnel.

[17] Q What is your relationship with him?

[18] A Fine.

[19] Q Is he a friend?

[20] A He's an acquaintance.

[21] Q Would he be more likely to pay attention to
[22] something that was faxed by you than, say, by me?

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[1] MR. BURCHFIELD: I object; foundation.

[2] THE WITNESS: I don't know the answer to
[3] that question. You'd have to ask him.

[4] BY MR. MOGILNICKI:

[5] Q Well, do you have a decent record of
[6] hearing back from Clay Johnson when you send him
[7] materials?

[8] A I would not characterize it in that way. I
[9] mean, I may hear back. I may not. If somebody
[10] called who was interested we passed it on.

[11] END OPEN SESSION

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[1] START HIGHLY CLASSIFIED SESSION

[2] MR. MOGILNICKI: I would like to mark
[3] another document. This one has been designated
[4] highly confidential so we are back in the highly
[5] confidential section of the deposition transcript.
[6] It's an e-mail. It has been Bates
[7] stamped RNC 0316327. In fact, it's a set of
[8] e-mails. The top line says, "Heather Patterson -
[9] Finance," and then below that it says from Jack
[10] Oliver.

[11] Would you mark that as Exhibit 9?

[12] (Oliver Exhibit 9 identified.)

[13] (Witness examined the document.)

[14] MR. BURCHFIELD: Do I have the same

[15] document?

[16] MR. MOGILNICKI: I don't know.

[17] MS. PATTERSON: No, you don't.

[18] MR. MOGILNICKI: You should not have one
[19] with handwriting on it.

[20] MS. PATTERSON: We have multiple versions.

[21] MR. MOGILNICKI: I will give you the Bates
[22] range. It should be RNC 0316327.

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[1] THE WITNESS: Is it this right here?

[2] MR. MOGILNICKI: Yes, you've got the right
[3] document.

[4] MR. BURCHFIELD: This is Number 9?

[5] MR. MOGILNICKI: It is Exhibit 9.

[6] Does anyone have a document other than the
[7] one I just described? You got this.

[8] MR. BONIFAZ: I've got the same one. I'm
[9] on this side of the table. I haven't had a chance to
[10] ask a question yet.

[11] BY MR. MOGILNICKI:

[12] Q Have you reviewed this document yet?

[13] A No. I was waiting. This one you want me
[14] to look at?

[15] Q Yes, it is.

[16] A (Witness examined the document.) Okay.

[17] Q I would like to draw your attention to the
[18] top of the second page which says, "See below for new
[19] boards for which the White House is looking for
[20] candidates."

[21] Do you remember receiving this e-mail or
[22] any portion of it?

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[1] A I'm sure I saw this e-mail. I don't
[2] remember specifically receiving it, but I'm sure I
[3] received it.

[4] Q And you e-mail to Heather Patterson,
"Where

[5] are my lists"; is that correct?

[6] A Yes.

[7] Q What did you mean by that?

[8] A I probably asked her if she has any ideas
[9] of people she could suggest.

[10] Q Why would Heather Patterson have
[11] suggestions for these boards?

[12] A I'm sure she knows people who would fit the
[13] specs.

[14] Q If I told you everyone that she had ended
[15] up listing almost without exception had given
[16] substantial sums to the RNC, would that surprise
[17] you?

[18] MR. BURCHFIELD: I object to the form of
[19] the question.

[20] THE WITNESS: Can you restate the question,
[21] please?

[22] MR. MOGILNICKI: Sure.

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[1] BY MR. MOGILNICKI:

[2] Q Would you be surprised if I told you that
[3] almost everyone on the list had given substantial

[22] Q When a check comes in how do you know

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[1] whether it is RNC money or RNSEC money?
[2] A It would depend on what kind of check it
[3] was.

[4] Q What kind of check is RNC money?

[5] A Well, RNC federal-- it depends on what
[6] account it was written to on the check. If it said
[7] "federal account" then that would go to the federal
[8] account.

[9] That would be money that's raised and was
[10] raised under the federal election law as stated and
[11] is subject to the rules and regulations based around
[12] that and how you can raise it and how it can be
[13] expended and what type of money it is.

[14] Q How does the contributor know to write
[15] "federal account" on the check? Does the RNC help
[16] them understand that they should to that?

[17] A If they are coming to an event, there is
[18] likely to be a responsive device, and the law that
[19] requires that you put on the response device how the
[20] money is being deposited -- I mean what account the
[21] money is being deposited into.

[22] Q If someone wrote a check for, say, \$60,000

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[1] and didn't specify federal account not federal
[2] account, non-federal account, didn't say anything on
[3] the face of the check, how would that get processed
[4] at the RNC?

[5] A You'd have to ask the person who does the
[6] processing. I don't process the checks.

[7] Q When you were talking to people who might
[8] write a check of that size, do you give them any
[9] explanation about how they should designate their
[10] checks so as to comply with the rules relating to the
[11] contributions?

[12] A If people have questions of how they could
[13] help, I explain to them what the law clearly allowed
[14] and stated and explain to them what specific account
[15] that their money would be put into.

[16] Q Do people ever have to write two checks at
[17] the same time in order to --

[18] A Sure. They don't have, but some people do.

[19] Q What would be the point of writing two
[20] checks?

[21] MR. BURCHFIELD: I object to form and
[22] foundation.

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[1] THE WITNESS: I don't know why they would
[2] write two checks over one check.

[3] BY MR. MOGILNICKI:

[4] Q Can you write one check that has federal
[5] and non-federal funds in it?

[6] A I don't know the answer to that question.
[7] What I would do is give the check to my counsel or
[8] the finance division would work with counsel in the
[9] proper way to handle that.

[10] END CONFIDENTIAL SESSION

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[1] OPEN SESSION

[2] MR. MOGILNICKI: I would like to mark as
[3] Oliver Exhibit 8 a two-page document Bates stamped
[4] RNC 0261705. It is not marked highly confidential so
[5] we will end that portion of the transcript.

[6] (Oliver Exhibit 8 identified.)

[7] BY MR. MOGILNICKI:

[8] Q Have you looked at Exhibit 8?

[9] A I'm looking at it right now.

[10] (Witness examined the document.)

[11] Q Have you looked at it now?

[12] A Yes.

[13] Q Have you seen this document before?

[14] A I have seen this document only in

[15] preparation for testimony.

[16] Q Prior to that time you don't believe you
[17] have seen it?

[18] A I don't recall seeing it.

[19] Q Who is Dee Dee Lancaster?

[20] A She is the person who runs Team 100.

[21] Q Who is Steve Roberts?

[22] A I think he's part of the finance TEAM

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[1] downstairs, but I am not positive.

[2] Q Do you know the purposes for which this
[3] document was created?

[4] A No.

[5] Q Is there anything inaccurate in this
[6] document as far as you know?

[7] A I don't know.

[8] Q Who is Anthony Gioia?

[9] A Tony Gioia.

[10] Q Thank you.

[11] A A guy from New York, Buffalo, New York.

[12] Q Do you know Tony Gioia?

[13] A Yes, I know Tony Gioia.

[14] Q Did he speak to you about having an
[15] interest in joining the Bush administration?

[16] A Tony very much wanted to help the president
[17] in any way he possibly could.

[18] Q I ask if he spoke to you about that
[19] interest?

[20] A I am sure he expressed interest to me about
[21] it. He was very, very excited about trying to help
[22] the president.

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[1] Q Did you pass on the fact that he was

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[1] Q Any document?
 [2] A Yes, I have seen a document in this format
 [3] before.
 [4] Q How were documents in this format
 [5] generated, if you know?
 [6] A I don't know.
 [7] Q Is this an RNC document?
 [8] A It doesn't indicate, but it looks like an
 [9] RNC document, yes.
 [10] Q Have you seen documents with this kind of
 [11] format in your capacity as the deputy chair of the
 [12] RNC?
 [13] A Yes, similar format.
 [14] Q Yes.
 [15] A Similar layout, yes.
 [16] Q Under what circumstances would you see a
 [17] document like this?
 [18] A I don't know when I would see a document
 [19] like that. It is just a rare thing for me to look
 [20] at.
 [21] Q Is this a document you would see if you
 [22] were going to make a telephone solicitation of

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[1] someone? Would you see their document in this
 [2] format?
 [3] A I may but likely probably not, most likely
 [4] not. I mean, there are instances in which I have
 [5] seen these documents in concert with that.
 [6] Q Are their other circumstances where you
 [7] would see a document in that format?
 [8] A The folks downstairs maybe and looking
 [9] downstairs in somebody's office where these are kept.
 [10] Q Who does keep these documents?
 [11] A I don't know the answer to that. I may
 [12] have seen it in Bev's office, but I don't know who
 [13] keeps the specifics on this. I think it depends on
 [14] what program they were involved in.
 [15] Q Do you mean which donor program?
 [16] A Uh-huh.
 [17] Q Is that a yes for the record?
 [18] A I'm sorry. Yes.
 [19] Q Do you have any idea what system is used to
 [20] generate documents like Exhibit 6?
 [21] A Exhibit 7.
 [22] Q Exhibit 7. I'm sorry.

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[1] A I don't know the system that's used. I'm
 [2] sorry.
 [3] Q Do you know John Ong?
 [4] A I have met John Ong on a couple occasions,
 [5] yes.
 [6] Q Can you describe those occasions?
 [7] A I think I met John Ong in the year '99 or
 [8] the 2000 campaign at an event.
 [9] Q What kind of event?
 [10] A There was a fundraising event in Ohio. I
 [11] can't remember. He is from somewhere in Ohio -
 [12] Akron.

[13] Q Do you think it was in Akron that you met
 [14] John Ong?
 [15] A I think that would be the best likelihood.
 [16] Q Without looking at the document, do you
 [17] know, roughly speaking, how much John Ong has
 [18] given
 [19] to the Republican National Committee between 1998
 [20] and
 [21] 2001?
 [22] A I don't know.
 [23] Q Do you remember him being a substantial
 [24] contributor?

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[1] A Yes, I think he was a - what do you mean
 [2] by substantial?
 [3] Q More than \$50,000?
 [4] A I don't know if he personally was involved
 [5] for more than \$50,000. I don't know if he personally
 [6] gave more than \$50,000.
 [7] Q Do you remember if the B.F. Goodrich
 [8] Company of which he's apparently chairman emeritus
 [9] gave more than \$50,000 to the RNC during that
 [10] period?
 [11] A I don't remember. I could look at it.
 [12] Right here it says that he did.
 [13] Q I want to see if you remember. You are
 [14] looking at the line that says, "Total contributions
 [15] \$100,000"?
 [16] A Yes.
 [17] Q Does the form indicate whether it was from
 [18] John Ong personally or from the B.F. Goodrich
 [19] Company?
 [20] A It doesn't say. It does say one thing,
 [21] which it says \$10,000 given on 6/28 to the RNC and
 [22] since it is the RNC and not RNSEC that probably
 [23] means
 [24] it was a federal contribution that would have been

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[1] personal, or it could have been a PAC, either/or.
 [2] Q You are looking at the first page of
 [3] Exhibit 7 at the middle entry under "Contributions"?
 [4] A Yes, sir.
 [5] Q If you would can you tell me what "Status
 [6] Full" means?
 [7] A I don't know what that means.
 [8] Q Do you know what "Type" means?
 [9] A I don't.
 [10] Q Can you describe the difference between the
 [11] RNC and the RNSEC?
 [12] A Yes. The RNSEC is the Republican National
 [13] State Election Committee.
 [14] Q What is the Republican National State
 [15] Election Committee?
 [16] A That is the part of the party that is
 [17] involved in state elections.
 [18] Q What does the RNSEC do in state elections?
 [19] A Transfers money to candidates, gives money
 [20] to state parties, operates the building as part of
 [21] the operation of the building.

[4] A No, I don't.
 [5] Q In flipping through it, if you would, are
 [6] you familiar with any of the handwriting on the
 [7] document that sometimes says "T 100," sometimes

says

[8] "Regent," or sometimes has check marks.

[9] Are you familiar with any of that

[10] handwriting?

[11] A No, I am not.

[12] Q Do you know if Heather Patterson ever
 [13] complied with your instruction that someone should
 [14] check the nomination list against the RNC
 contributor
 [15] list?

[16] A I don't know if she did it or not. We
 [17] would go back and check to make sure. Usually when
 [18] people were going to come up for appointment and
 [19] they called with any questions about their records,
 [20] we wanted to make sure we had their record
 prepared;

[21] plus, we didn't want to be in position to solicit
 [22] them. So we were careful on the response.

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[1] Q I'm sorry. I didn't understand the first
 [2] part of your answer. What was the purpose to make
 [3] sure that you had their records?

[4] A We pulled their records to make sure we had
 [5] the records in case they had questions.

[6] Q Who's they who had questions?

[7] A An individual who was being appointed.

[8] Q What kind of questions would an individual
 [9] being appointed have with RNC?

[10] A Making sure that they had not gone over
 [11] their \$25,000 federal limit or contribution history.
 [12] Usually, they would go back and review
 [13] those things as part of the process. We wanted to be
 [14] prepared if we got called by anybody to have that
 [15] information.

[16] Q As part of what process?

[17] A If this person was nominated and they
 [18] called us and said, "How much money have we given,"
 [19] we wanted to make sure we were in a position to have
 [20] the record readily available for that purpose.

[21] Q It is your testimony that that is the
 [22] purpose for which Heather Patterson was going to

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[1] check the administration's nominations list against
 [2] the contributors' list?

[3] A That and we also wanted to make sure that
 [4] we weren't soliciting from people that we shouldn't
 [5] be soliciting from.

[6] Q I assume that there is an internal system
 [7] at the RNC to make sure people don't give more
 money

[8] than they are supposed to give, isn't that fair?

[9] A The responsibility lies on the donor, not
 [10] the committee.

[11] Q Is there a system at the committee to
 [12] assist the donor in meeting that obligation?

[13] A In some cases, yes, but the RNC is not
 [14] responsible for what contributors give individual
 [15] candidates which, as you know, is counted against
 [16] their \$25,000 federal limit.

[17] Q So if someone had a question about whether
 [18] they violated the federal limit, the RNC records
 [19] wouldn't answer the question for them, would it?

[20] A It would answer the question with regard to
 [21] what they have given to the Republican National
 [22] Committee.

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[1] Q Did you make notations on the files of
 [2] appointees to make sure that no one solicited them
 [3] from the RNC?

[4] A I don't know the answer to that question
 [5] because I didn't handle the papers themselves.

[6] Q What?

[7] A I didn't handle any individuals' files. I
 [8] don't know if that happened or not.

[9] Q Did you instruct anyone to make such
 [10] notations?

[11] A I don't remember whether or not. I know we
 [12] were very careful in trying to not solicit from
 [13] people, but sometimes people have different names
 on

[14] the file. They could have their middle name. They
 [15] couldn't have their middle name. So we may not have
 [16] caught all of them, but the attempt was clearly made.

[17] Q Do you recall that an attempt was made to
 [18] make notations on the files?

[19] A An attempt was made not to solicit. I
 [20] don't know if there was a specific notation made on
 [21] the file. I haven't seen the individual files for
 [22] donors.

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[1] MR. MOGILNICKI: I would like to mark as
 [2] Exhibit 7 a three-page document that begins with
 RNC

[3] 0200133 and goes to RNC 0200135. It has been
 marked

[4] as highly confidential. The top line reads 2040
 [5] Dr. John D. Ong.

[6] (Oliver Exhibit 7 identified.)

[7] BY MR. MOGILNICKI:

[8] Q Would you take a moment and read this
 [9] document over?

[10] A (Witness examined the document.) Okay.

[11] Q Can you tell me what this document is?

[12] A I have not seen this document for this
 [13] specific person before.

[14] Q Can you just help me understand the format,
 [15] though?

[16] A It shows the title, the name of the person,
 [17] where they work with their contact information, a
 [18] contribution history and then contacts. There are
 [19] also on the back different addresses.

[20] Q Have you seen a document in this format
 [21] before?

[22] A A document or this document?

[5] It, too, is marked highly confidential so
[6] we will just keep the designation. It's Bates
[7] stamped RNC 0234132, and it is a one-page
document.

[8] (Oliver Exhibit 5 identified.)

[9] (Witness examined the document.)

[10] BY MR. MOGILNICKI:

[11] Q I have some trouble reading this
[12] handwriting. Can you tell me, first, is this your
[13] handwriting?

[14] A No.

[15] Q It's not?

[16] A No.

[17] Q Do you know whose handwriting it is?

[18] A No, I don't.

[19] Q Have you ever seen this note before?

[20] A I don't remember seeing this note, no.

[21] Q Do you know who Pat Gerber is?

[22] A No.

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[1] Q Are you familiar with a request from Team
[2] 100 members to receive appointments in the Bush
[3] administration?

[4] A I'm sure there are people who would like to
[5] be appointed to positions that happen to be Team
[6] 100 members.

[7] Q And this document says: "Pat Gerber T 100
[8] is looking for an appointment in arts. Put her on
[9] list."

[10] Do you know what list this note is
[11] referring to?

[12] A No, I do not.

[13] Q Was there ever a list of people who had
[14] given substantial sums of money compiled for the
[15] purposes of letting the transition team know who
[16] contributors were?

[17] A Can you restate that question, please?

[18] Q Sure. I think I can restate and do a
[19] little better.

[20] A Thank you.

[21] Q Are you aware of anyone compiling a list of
[22] contributors for the use of the transition team in

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[1] making decisions about appointments?

[2] A I have no idea whether someone sent that
[3] over there, that a list was made and sent over during
[4] the transition. I don't know the answer to that
[5] question.

[6] Q Sticking with your personal knowledge, have
[7] you ever seen a list of contributors that was used
[8] during the transition in order to help the transition
[9] team know who had contributed money?

[10] A I don't remember such a document but it
[11] could exist. I don't know.

[12] MR. MOGILNICKI: We'll mark another
[13] exhibit. This will be Exhibit 6. We're still in the
[14] highly confidential section of the deposition. It is
[15] Bates stamped RNC 0234677 through RNC 0234691.

It
[16] was produced by the RNC, and it is "Bush
[17] Administration Nominations 9/4/01."

[18] (Oliver Exhibit 6 identified.)

[19] BY MR. MOGILNICKI:

[20] Q I don't think you need to read every entry.

[21] I would like you to flip through this and familiarize
[22] yourself with its format.

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[1] A (Witness examined the document.).

[2] Q Have you seen the document marked as
[3] Exhibit 6 before?

[4] A Yes.

[5] Q When did you see it?

[6] A It's my handwriting on the right.

[7] Q Is it your handwriting that has the date
[8] being 9/4/01?

[9] A No.

[10] Q Do you think it is likely that you saw it
[11] around 9/4/01?

[12] A I probably saw it around that time period,
[13] yes.

[14] Q Who prepared this document?

[15] A This is a publicly available document off
[16] the Internet, appointments from the administration.

[17] Q Where on the Internet is it available?

[18] A I have no idea. I don't know. I know it's
[19] a public document that lists the people who have
[20] been appointed.

[21] Q Do you know when this document was
[22] prepared?

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[1] A No.

[2] Q Can you read your handwriting on the
[3] right-hand side?

[4] A Yes.

[5] Q Can you read it into the record?

[6] A "Heather Patterson - someone needs to
[7] through and check this versus our list, J.

[8] Q Who is Heather Patterson?

[9] A She runs the Regents program now, but at
[10] this time she was just a finance assistant in the
[11] finance operation.

[12] Q You said this "needs to be checked versus
[13] our list."

[14] Can you tell me what you meant by "our
[15] list"?

[16] A The Republican National Committee list.

[17] Q The RNC list of what?

[18] A Team 100 and Regents and whether or not
[19] these people were donors.

[20] Q There are some notations generally to the
[21] left of names. For example, on the first page of
[22] Exhibit 6 are the word "Regent" is written by the

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[1] name "George L. Argyros."

[2] Do you know who wrote the word "Regent"
[3] there?

[4] things for me.
 [5] Q What is her last name?
 [6] A Cooper.
 [7] Q Okay. I just want to make sure the record
 [8] is clear. And the "J" is you?
 [9] A The "J" would be my lazy way of signing my
 [10] name.
 [11] Q To your knowledge did Janice call Carla?
 [12] A It's Kate.
 [13] Q I'm sorry. Call Kate?
 [14] A I have no idea.
 [15] Q What if anything did you do? First, did
 [16] you receive this document?
 [17] A Yes.
 [18] Q What if anything did you do with it?
 [19] A I don't have a specific memory of what I
 [20] did with it. Likely, it looks like I called to see
 [21] if this happened or not. It looks like it's after
 [22] the fact.

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[1] Q I'm sorry.
 [2] A It looks like I asked that the call be made
 [3] after it was over to see if it was done. I don't
 [4] know if it was faxed anywhere. It doesn't indicate
 [5] that.
 [6] Q I'm sorry. Could you explain your note?
 [7] Is this to check on whether Dick Davidson was in fact
 [8] invited to lunch at the Mexican state dinner?
 [9] A Yes, that's what the note would indicate.
 [10] Q And you don't know whether or not Dick
 [11] Davidson did in fact go to the White House dinner
 [12] with President Fox?
 [13] A I don't know.
 [14] Q I'm a little confused because it says see
 [15] if Dick Davidson went to lunch in your note and yet
 [16] the memo refers to a dinner?
 [17] A I must have made a mistake. I don't know
 [18] if there was a lunch involved with it or if it was
 [19] just a dinner. I don't know the answer.
 [20] Q But you believe that you made this note
 [21] after the dinner had occurred?
 [22] A That's correct.

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[1] Q What if any other action did you take with
 [2] regard to this memo?
 [3] A I may have faxed it over there, but I don't
 [4] remember.
 [5] Q Faxed it to where?
 [6] A To the office of political affairs.
 [7] Q Have you ever spoken about this matter with
 [8] Katie Maness?
 [9] A I think I talked to her about it once.
 [10] Q Can you describe that conversation?
 [11] A I think she called me and said, "Hey,
 [12] Davidson would like to go."
 [13] I don't remember exactly what I said to her
 [14] but I would have indicated to her that I didn't have
 [15] any control over it but I would be happy to pass
 [16] along her request to the office of political affairs.

[17] Q When did you have that conversation?
 [18] A I don't remember. I'm assuming it would be
 [19] before the dinner.
 [20] Q Do you remember if it was before or after
 [21] the memo?
 [22] A I do not remember.

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[1] Q Did you say anything else to her?
 [2] A Not to my knowledge.
 [3] Q Did she say anything to you about Dick
 [4] Davidson or about Union Pacific during that call?
 [5] A I know Dick Davidson. She didn't say
 [6] anything to me about Dick Davidson, except that he
 [7] wanted to go.
 [8] Q What are Katie Maness's duties at Union
 [9] Pacific, do you know?
 [10] A I don't know.
 [11] Q Have you dealt with her professionally on
 [12] other issues?
 [13] A I have dealt with her professionally at
 [14] other times in my career.
 [15] Q What is the most recent time that you dealt
 [16] with Katie Maness?
 [17] A I'm trying to think. I think the last time
 [18] I dealt with Katie Maness is I saw her subsequent to
 [19] a dinner - I know exactly where it was.
 [20] I was having dinner at Mr. Kay's, and I
 [21] walked in and I saw someone else from Union Pacific,
 [22] and we were talking about Katie Maness and how
 great

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[1] she was, and I called to her - I hadn't talked to
 [2] her in a while - I hoped she was doing well. That
 [3] was the context of the conversation. It was on a
 [4] personal level.
 [5] Q And you have no idea what her duties are at
 [6] Union Pacific?
 [7] A She is involved in the Washington office
 [8] here. I don't know her specific title.
 [9] Q Do you know anything about what she does
 [10] professionally?
 [11] A I think she's involved in lobbying for the
 [12] Union Pacific Company.
 [13] Q Have you had occasion to speak to Katie
 [14] Maness since this memo about the state dinner?
 [15] A No.
 [16] Q Have you had occasion to solicit
 [17] contributions for the RNC from anyone associated
 [18] with the Union Pacific since the Mexican state dinner?
 [19] A I'd have to check the records to see if we
 [20] got any money from the Union Pacific. I have no
 [21] idea.
 [22] Q You have no recollection at all?

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[1] A No, but that doesn't mean I haven't talked
 [2] to them. I just don't have any recollection of it..
 [3] MR. MOGILNICKI: I'm going to show you
 [4] another document that will be marked as Exhibit 5.

[3] me.

[4] Q Did anyone ever mention a phone call to you
[5] and you passed on down the chain?

[6] A It may have. I don't remember.

[7] Q What does the RNC do when it receives such
[8] a request?

[9] A Makes a note of it, I think, probably,
[10] maybe the determining factor, but I don't know. I
[11] don't assign where people are seated at dinners.
[12] That's not part of my responsibility.

[13] Q Do you ever get complaints about where
[14] people are seated at dinners?

[15] A As I indicated to you earlier people would
[16] much rather sit in the front than in the back.

[17] Q Did people complain that they didn't get to
[18] sit with the Senator on Congressman that they asked
[19] for?

[20] A I don't have any specific memory of someone
[21] complaining, but they may have. I don't remember.

[22] Q Has a contributor ever asked to be invited

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[1] to a state dinner?

[2] A I'm sure that there has been a contributor
[3] who has been asked to be invited to a state dinner.
[4] Yes, I am sure there has been one.

[5] Q By asked I mean asked the RNC rather than
[6] asked in the White House directly. The answer is
[7] still yes, you are sure it's happening?

[8] A I'm sure there are people who have asked.

[9] Q What would you expect somebody at the
[10] RNC

to do when they received such a request?

[11] A I would explain to them that we don't have
[12] anything to do with who goes to dinners but we are
[13] happy to pass the request on.

[14] Q To whom would you pass the request on?

[15] A Probably I would guess you would send it to
[16] the office of political affairs at the White House.

[17] Q Do you know who runs the office of
[18] political affairs?

[19] A Ken Millman.

[20] Q Ken what?

[21] A Ken Millman.

[22] Q How long do you know Ken Millman?

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[1] A I know him well. We worked on the
[2] campaign

together. He's my friend.

[3] Q Have you ever personally passed on requests
[4] to sit at a state dinner?

[5] A To sit at a state dinner or to go?

[6] Q To attend, yes.

[7] A Oh, I'm sure if somebody sent me a fax or
[8] something I'm sure I sent it over there. But we
[9] don't have any access to determine whether people go
[10] or not. That would be passing along information. I

[11] would probably just tell them to call.

[12] (Start Highly Confidential Session.)

[13]

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[1] HIGHLY CONFIDENTIAL SESSION

[2] MR. MOGILNICKI: Let me show you a
[3] document. We'll mark it as Oliver Exhibit 4. We're
[4] back in the highly confidential section of the
[5] deposition. It's Bates stamped RNC 0316287. It's a
[6] memo from Katie Maness to Jack Oliver.

[7] Would you mark that?

[8] (Oliver Exhibit 4 identified.)

[9] BY MR. MOGILNICKI:

[10] Q Would you take a minute and review the
[11] document?

[12] A (Witness examined the document.)

[13] Q Have you reviewed it?

[14] A Mm-hmm.

[15] Q Who is Katie Maness?

[16] A It looks like she works for the Union

[17] Pacific.

[18] Q Do you not know who she is?

[19] A No. She works in some capacity for Union

[20] Pacific.

[21] Q Is that something you know or something

[22] you -

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[1] A I know that. It is clear she works there.

[2] Q I'm asking you.

[3] A I know she works for the Union Pacific.

[4] Q How do you know Katie Maness?

[5] A I've know her for a long time in

[6] Washington.

[7] Q What is her position at Union Pacific?

[8] A She works in their Washington office. I

[9] don't know her specific position.

[10] Q Do you recall receiving this memo from
[11] her?

[12] A I recall seeing it, yes.

[13] Q Can you decipher the writing in the upper
[14] right-hand corner? I guess first I should ask is
[15] that your handwriting?

[16] A Uh-huh.

[17] Q Can you read it for the record?

[18] A It says, "call Kate."

[19] Q I'm sorry. There's something above that.

[20] A It says, "Janice."

[21] Q And that's your assistant Janice?

[22] A "Call Kate and see if Dick Davidson went to

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[1] lunch with Fox. J."

[2] Q And Janice is your scheduling person?

[3] A Janice is my scheduler. She does a lot of

[1] Q Does the RNC ever seek to influence the
[2] decision as to who should be the state chair?
[3] A What do you mean by "influence"?
[4] Q For example, tell members of the state
[5] party that the RNC supports a particular candidate
[6] for state chair.
[7] A I'm sure there have been cases, but I don't
[8] think it is a natural practice. I mean, I'm sure
[9] there are cases where members of the RNC have tried
[10] to influence that.
[11] Q Go ahead.
[12] A No. That's all right.
[13] Q What are the rights of members of the RNC,
[14] the 164 people you've referred to before?
[15] MR. BURCHFIELD: I object to form.
[16] BY MR. MOGILNICKI:
[17] Q For example, do they erect the officers of
[18] the RNC?
[19] A They elect the officers of the RNC.
[20] Q What other decisions do they get to make in
[21] their capacity as members of the RNC?
[22] A Voting opportunities on a variety of

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[1] topics.
[2] Q Can you give me an example?
[3] A They vote on rules of the RNC. They vote
[4] on elections for the officers. There are committees
[5] of the Republican National Committee that some of
[6] them are involved in.
[7] Q If you want to find out which committees a
[8] particular state chair sat on where could you look?
[9] A I don't know the answer to that question.
[10] I assume it would be - the officers are all on the
[11] Web page. I don't know about the committees
[12] themselves.
[13] Q I want to ask you a few questions about the
[14] legal efforts that followed the Bush-Gore election,
[15] in particular the effort to staff legal battles
[16] taking place in Florida immediately following the
[17] election.
[18] Did you play any role in helping to fund
[19] the legal efforts in Florida during the recount?
[20] A Yes.
[21] Q What role did you play?
[22] A I tried to help raise money for the legal

Page 186

[1] fund that was set up.
[2] Q What rules, if any, did the legal fund have
[3] about how much individuals could donate?
[4] A There wasn't a cap. There was no cap for
[5] federal election purposes. But we set a cap at 5 if
[6] my memory is correct.
[7] Ben, is that correct?
[8] MR. GINSBERG: Yes.
[9] THE WITNESS: We set a cap at 5.
[10] BY MR. MOGILNICKI:
[11] Q By 5 I assume you meant 5,000?
[12] A Five thousand, yes, sir.
[13] Q Why did you set a cap at 5,000?

[14] A It was an arbitrary number that was
[15] chosen. I don't know.
[16] Q Why choose any number?
[17] A We just made the decision that that was
[18] where we wanted to be.
[19] Q I'm asking what led to the making of that
[20] decision.
[21] A I don't remember any specific
[22] conversations. It was kind of just a number we all

Page 187

[1] agreed upon.
[2] Q Did the RNC help finance any of the legal
[3] efforts down in Florida?
[4] MR. BURCHFIELD: I object to form and
[5] foundation.
[6] THE WITNESS: What do you mean? Do you
[7] mean pay for lawyer bills?
[8] MR. MOGILNICKI: Yes.
[9] THE WITNESS: I was at the campaign, but I
[10] think the answer in the question is yes. You would
[11] have to ask the people who were in authority at the
[12] time.
[13] BY MR. MOGILNICKI:
[14] Q What else did you do - I'm sorry. I don't
[15] you said you said anything yet about what you did to
[16] raise money.
[17] A We had a direct mail letter that we sent
[18] out. We sent out a direct mail letter. We didn't do
[19] any events, though. There wasn't a lot of time.
[20] Q Did you make calls?
[21] A I did make calls.
[22] Q Did you ask only for money for the legal

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[1] fund or did you also ask for money for the RNC?
[2] A I just asked for money for the legal fund.
[3] Q Did you get money from maxed-out donors?
[4] A Maxed-out donors to whom?
[5] Q Donors who had already given the maximum
[6] to
[7] the Bush campaign.
[8] A We wanted to raise money from people who
[9] were interested in the battle that we were under. So
[10] I'm sure some of those people were also people who
[11] supported the president.
[12] Q We talked earlier about at least one dinner
[13] that the RNC put on.
[14] I want to ask you if you were aware of a
[15] practice of donors telling the RNC which federal
[16] officials they would like to be seated with.
[17] A Can you go walk me back. What dinner?
[18] Q Sure. At any RNC dinner, was it ever the
[19] case that donors told the RNC they want to sit with a
[20] particular Member of Congress?
[21] A I'm sure that those requests came in. I'm
[22] sure they came in absolutely.
[22] Q Have you ever received such a request?

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[1] A No. That would have been sent through the
[2] people, the finance team. It wouldn't come through

his

[6] current position.

[7] Q What position did he have before that
[8] position?[9] A I think he has done a lot of different
[10] things throughout his life, but what he currently
[11] does is RPD out in California.[12] Q Do you know what position he held
[13] immediately prior to being the RPD for the West?[14] A I can't remember went and worked on the
[15] campaign for Lungren or not - I don't remember -
he

[16] may have in the '98 cycle.

[17] Q What does a regional political director do?

[18] A He or she are out in the states working
[19] with the state party.[20] Q To whom does regional political director
[21] report?

[22] A To the political director.

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[1] Q Who is the political director present?

[2] A The current political director is Blaise.

[3] Q Blaise Hazelwood?

[4] A Yes.

[5] Q Who is Robert T. Bennett?

[6] A Bob Bennett - is that Bob Bennett.

[7] Q No. I believe he is state chair or is
[8] involved in the Republican committee in Ohio?

[9] A Bob Bennett.

[10] Q Okay.

[11] A He is the chairman.

[12] Q He is the chairman of the Ohio state party?

[13] A Ohio state party, yes.

[14] Q Is he also a member of the RNC leadership?

[15] A Not leadership, but he's a member of the
[16] RNC in his function as state chairman, yes.

[17] Q How many people are members of the RNC?

[18] A I think exact the exact numbers are 164 in
[19] their representation of the national committeemen
and[20] national committeewoman and the chair state
chairman

[21] from each state.

[22] Q What is the responsibility of the chair in

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[1] a state party?

[2] A What is the responsibility of the state
[3] party".

[4] Q State party chair like Bob Bennett.

[5] A They are responsible for running their
[6] operation in their state.[7] Q Are the state party chairs involved in the
[8] process you described earlier where the state party
[9] seek transfer of funds from the RNC to benefit the
[10] state party?

[11] A Sure.

[12] Q So is Bob Bennett one of the people who
[13] might call you and ask for a transfer?

[14] A Absolutely. The possibility exists.

[15] Q Who is Bruce Benson of Colorado?

[16] A Bruce Benson is the state chairman of the
[17] Colorado party.

[18] Q He, too, is a member of the RNC?

[19] A Uh-huh.

[20] Q Are the state chairs responsible for
[21] fundraising in their states?

[22] MR. BURCHFIELD: I object to form.

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[1] THE WITNESS: Responsible to whom?

[2] BY MR. MOGILNICKI:

[3] Q I assume the state chair is ultimately
[4] responsible for raising funds for the state party; is
[5] that fair?

[6] A Sure.

[7] Q Do they have any responsibilities to raise
[8] money for the RNC from donors in their state?[9] A They don't have a responsibility. We
[10] certainly don't discourage it, but they don't have a
[11] responsibility.[12] Q Does the RNC have a practice of asking
them

[13] to raise money for the RNC from their state?

[14] A It depends on who they are.

[15] Q How about Bob Bennett? Has he raised
money

[16] for the RNC?

[17] A I'm sure over the course of the last two
[18] years he has raised money for the Republican
National

[19] Committee, absolutely.

[20] Q How about Bruce Benson?

[21] A I would think the same would be for him as
[22] well.

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[1] Q Do you have any sense of how much either
of
[2] those people have raised?

[3] A No.

[4] Q Do all the state chairs have essentially
[5] the same responsibilities as each other?[6] MR. BURCHFIELD: I object to form and
[7] foundation.[8] THE WITNESS: I don't know what the
[9] individual state committee's charge is to each of the
[10] state chairmen.

[11] BY MR. MOGILNICKI:

[12] Q Would you say that Bob Bennett and Bruce
[13] Benson have essentially the same responsibilities in
[14] Ohio and Colorado respectively?[15] A I don't have the foundation to answer the
[16] question. I don't know what their state committees
[17] have charged them with. They are elected by their
[18] state committees.[19] Q And the state party, then, is in charge of
[20] what the responsibilities of the state chair would
[21] be?

[22] A They are the boss. So, yes.

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[5] Whereupon,
 [6] JOHN L. OLIVER III
 [7] resumed the stand and, having been previously duly
 [8] sworn, was examined and testified further as follows:
 [9] MR. MOGILNICKI: This portion of the
 record

[10] need not be designated highly confidential. So you
 [11] can remove that designation now.

[12] BY MR. MOGILNICKI:

[13] Q Who is Jay Banning?

[14] A Jay Banning is -- I don't know what his
 [15] official title is. I think he is the administrator
 [16] at the RNC.

[17] Q What does Jay Banning do at the RNC?

[18] A I'm not sure I know. He does all the FEC
 [19] reporting and makes sure the health insurance is
 [20] taken care of for the building, payroll, works with
 [21] the administrative piece of the Republican National
 [22] Committee.

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[1] Q Who is Mike Duncan?

[2] A Mike Duncan is the treasurer of the RNC --
 [3] excuse me. He was the treasurer and is now the
 [4] general counsel.

[5] Is that a correct title, Tom, his official
 [6] title?

[7] MR. JOSEFIK: That's correct.

[8] THE WITNESS: General counsel.

[9] BY MR. MOGILNICKI:

[10] Q Did you interact with Mike Duncan when he
 [11] was treasurer?

[12] A Uh-huh.

[13] Q What kind of interactions did you have?

[14] A I used to drink coffee with him. He's a
 [15] friend of mine. He's elected by the board of the
 [16] RNC. So I saw him in that regard.

[17] Q I meant to ask about business discussions.
 [18] What official interactions would you have with him,
 [19] if any?

[20] A If he had the opportunity to sit in on
 [21] senior staff meetings, or whatever, I talk to Mike
 [22] about a lot of things. He's very adroit and knows

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[1] Kentucky politics very well. So we have an
 [2] opportunity to talk about Kentucky politics.
 [3] He kind of has a good sense of what is
 [4] going on with the members themselves. So I talked to
 [5] Mike about a lot of topics.

[6] Q Now he is general counsel, do you talk to
 [7] him about legal issues?

[8] A Some, but mostly I talk to my lawyer.

[9] Q Who is your lawyer?

[10] A Tom Josefiak.

[11] Q Is he a good lawyer?

[12] A The best.

[13] MR. BURCHFIELD: But, of course, he
 thought

[14] your questions were good, too.

[15] (Laughter.)

[16] MR. MOGILNICKI: He's a politician.

[17] BY MR. MOGILNICKI:

[18] Q Who is Janice Knoff?

[19] A She does the direct mail fundraising for
 [20] RNC.

[21] Q Is this a different Janice from the Janice
 [22] we were discussing earlier?

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[1] A Which Janice are you talking about?

[2] Q Who was your scheduler.

[3] A Who works with me?

[4] Q Yes.

[5] A No. That's Janice Cooper.

[6] Q So Janice Knopp does marketing?

[7] A She does direct mail and telemarketing,
 [8] yes.

[9] Q Can you describe any more fully what her
 [10] duties and responsibilities are?

[11] A Sure.

[12] She oversees the direct mail operation
 [13] which are the solicitations that we utilize in the
 [14] mail.

[15] She also oversees the Internet fundraising,
 [16] if we do Internet solicitations, and she oversees the
 [17] telemarketing operation, too.

[18] Q Do you review direct mail pieces that are
 [19] going to go out on RNC stationery?

[20] A Yes.

[21] Q Who else reviews those pieces before they
 [22] are approved?

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[1] A Legal, admin. Admin kind of had the
 [2] sheet. They run the sheet, a little sign-off sheet.

[3] Q Who else is on the sign-off sheet?

[4] A They are not named parties. It's
 [5] categories. Me, finance and legal, which I think

[6] would be the regular ones. In some cases the
 [7] chairman would sign off on the mail if he was signing
 [8] in cases, some cases not.

[9] Q With direct mail what is a good yield on
 [10] the expenses of mailing out a piece?

[11] MR. BURCHFIELD: I object; foundation.

[12] THE WITNESS: By good what do you mean?

[13] BY MR. MOGILNICKI:

[14] Q When you send out a piece and it costs say
 [15] \$100,000 to send out, what kind of return would you
 [16] expect by way of donations garnered by that direct
 [17] mail piece in order to make it a successful piece?

[18] A You are hoping to get at least \$100,000 out
 [19] of it. That would be your starting point.

[20] Q Right. What are you aiming for?

[21] A You are asking for my opinion on
 [22] something. My on this is if you can do better than

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[1] breaking even you had a good day in direct mail, and
 [2] you try to keep your cost as relative as you can.

[3] Q Who is John Peschong?

[4] A John Peschong is the regional political
 [5] director for the Republican National Committee in

[2] the document.
 [3] Q Can you read that into the record?
 [4] A It says: "The RNC has identified 8 states
 [5] that in the 2000 election cycle Bush lost or won by a
 [6] margin of 3 % or less."
 [7] But that is not the target group that we
 [8] are doing to apply the 72 Hour Task Force. It is
 [9] place for us to go study stuff that had already
 [10] happened.
 [11] Q Let's back up first. I think you read that
 [12] number 18 as 8. It is 18, right?
 [13] A 18, yes.
 [14] Q And at the end of the sentence that you
 [15] read it says "please see attachment"?
 [16] A Yes.
 [17] Q So it's your understanding that this
 [18] attachment reflects the 18 states that now President
 [19] Bush lost or won by a margin of 3 percent or less?
 [20] A I think so. I'm not positive. No, because
 [21] California is on there. So that wouldn't be the
 [22] case. He lost California by a lot more than that.

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[1] Q So I am back to asking you -
 [2] A It would seem to be that 18 states are
 [3] reflected on the back page. Three is one in there
 [4] that is not also 3 percentage points, won or lost by
 [5] 3 percentage points, and that would be California.
 [6] Q I assume you mean at least one. You don't
 [7] know the other 17 in your head, I assume, or do you?
 [8] A No, I don't know them all, but they were
 [9] all - no, I don't know them. I think most of them
 [10] were. I don't know. Never mind. Go ahead.
 [11] Q I think we are still trying to figure out
 [12] together how the list of target states on the last
 [13] page of this exhibit got generated?
 [14] MR. BURCHFIELD: Objection, asked and
 [15] answered.
 [16] BY MR. MOGILNICKI:
 [17] Q Do you know?
 [18] A No. I don't know the answer to this list
 [19] of states. The attachment, if you are telling me
 [20] this is the attachment with it, then I don't know the
 [21] answer.
 [22] Q Has there been an effort to identify states

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[1] where the 72 Hour Task Force needed to pay special
 [2] attention?
 [3] A No. The 72 Hour Task Force is an
 [4] application of knowledge that we are trying to
 [5] learn.
 [6] So you go back and look at history, and you
 [7] try to learn, and then you take and you apply history
 [8] to the future.
 [9] So we are attempting to have a 72-hour plan
 [10] in place in every state.
 [11] Q Did the task force ever establish states
 [12] where it was of particularly high priority to have a
 [13] strong 72-hour plan?
 [14] A It's supposed to be part of everybody's

[15] plan.
 [16] Q I don't disagree. But I'm asking if the
 [17] RNC task force ever salvaged states where it was a
 [18] particular high priority?
 [19] A The task group was charged with learning,
 [20] not applying.
 [21] Q Who was to apply the knowledge gained by
 [22] the task force?

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[1] A What we're doing now in this election
 [2] cycle.
 [3] Q Without getting into the details of how the
 [4] plan works, because you are concerned by the
 [5] confidentiality of that information, can you tell me
 [6] who was supposed to be doing the applying? Is it the
 [7] RNC? Is it the state parties? Is it the
 [8] candidates?
 [9] A It is the state parties. The state parties
 [10] are establishing the plan.
 [11] Obviously, the RNC works with them on that,
 [12] but it's driven by state parties, because they have
 [13] to put it together themselves if they are going to
 [14] implement it.
 [15] Q Do these 72-hour plans benefit federal
 [16] officeholders who are on the ballot?
 [17] A They benefit -
 [18] MR. BURCHFIELD: I object to form.
 [19] You may answer.
 [20] THE WITNESS: The hope is that they benefit
 [21] the entire ticket.
 [22] BY MR. MOGILNICKI:

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[1] Q Are these 72-hour plans an example of a
 [2] state party effort that might garner funding
 [3] transfers from the RNC?
 [4] A Yes.
 [5] MR. MOGILNICKI: Let's take that lunch
 [6] break.
 [7] END CONFIDENTIAL SESSION
 [8] (Whereupon, at 12:15 p.m., the deposition
 [9] was recessed, to be reconvened at 1:10 p.m. this same
 [10] day.)
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[1] AFTERNOON SESSION (1:10 p.m.)
 [2] OPEN SESSION
 [3] MR. MOGILNICKI: Let's go back on the
 [4] record.

[3] Q Would you review what has been marked as
 [4] Oliver Exhibit 3? It is Bates stamped RNC 0345805
 [5] through 0345810.
 [6] A Is that this?
 [7] Q Yes.
 [8] A May I take time to read it?
 [9] Q Sure, if you would like.
 [10] A (Witness examined the document.)
 [11] MR. BURCHFIELD: This document should
 have
 [12] been designated as highly confidential. So we are
 [13] treating the transcript portions dealing with this
 [14] document as highly confidential and the document
 [15] itself should also be treated that way.
 [16] START CONFIDENTIAL SESSION
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

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[1] HIGHLY CONFIDENTIAL SESSION
 [2] BY MR. MOGILNICKI:
 [3] Q Have you had an opportunity to review
 [4] Oliver Exhibit 3?
 [5] A I have.
 [6] Q Do you remember this document?
 [7] A I do.
 [8] Q Can you describe what involvement you had
 [9] in the effort reflected in the document?
 [10] A Can you be more specific, please?
 [11] Q Sure. Who sent you this memo?
 [12] MR. BURCHFIELD: I object to form.
 [13] MR. MOGILNICKI: I'm sorry. Thank you.
 [14] BY MR. MOGILNICKI:
 [15] Q Who wrote this memo?
 [16] A Blaise Hazelwood.
 [17] Q How much involvement did you have in
 [18] drafting this memo?
 [19] A I don't remember but I'm sure - I don't
 [20] remember.
 [21] Q Did you review it before it was sent to the
 [22] members of the 72 Hour Task Force working group?

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[1] A I'm sorry. I don't remember whether I did
 [2] or not. I assume so, but I don't know.
 [3] Q Does this refresh your recollection as to
 [4] why the 72 Hour Task Force working group was
 formed?
 [5] A Yes.
 [6] Q Why was the 72 Hour Task Force formed?
 [7] A Because we wanted to make sure we got our
 [8] vote out. We wanted to figure out, if you read the
 [9] document, what they did and what we needed to do.
 [10] Q What funds are used to pay for 72 Hour
 Task
 [11] Force activities?
 [12] A I don't know the answer to that question.

[13] Q Who would?
 [14] A It depends on what activities you are
 [15] talking about.
 [16] Q Who would know the most about the
 [17] door-to-door activities of the working group?
 [18] A The door the door - can you point me to
 [19] something, please, in the document?
 [20] Q Let me go to something that's easy to find
 [21] in the document.
 [22] Who would know how get-out-the-vote efforts

Page 167

[1] set forth in this document were paid for?
 [2] A Some of them have happened. But the
 person
 [3] who would know how the get-the-out-vote effort was
 [4] paid for would be the political team, Blaise, and Tom
 [5] would have been involved in it as well.
 [6] Q So is Blaise Hazelwood the person most
 [7] familiar with this 72 Hour Task Force?
 [8] A Yes.
 [9] Q Would she be able to answer questions about
 [10] how this task force worked?
 [11] A Yes. I mean, I can answer general
 [12] questions.
 [13] Q But she is the expert?
 [14] A She would be more of an expert than I.
 [15] Q How were states targeted for the 72 hour
 [16] plan?
 [17] MR. BURCHFIELD: I object to form.
 [18] THE WITNESS: I need to take a break for a
 [19] second. I need to ask my lawyer a question on this.
 [20] MR. MOGILNICKI: Does it relate to an issue
 [21] of privilege?
 [22] THE WITNESS: Yes.

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[1] MR. MOGILNICKI: Okay.
 [2] (Witness stepped out of the room and
 [3] conferred with counsel.)
 [4] MR. BURCHFIELD: Would you read the
 [5] question back, please.
 [6] (The reporter read the record as requested.)
 [7] THE WITNESS: This is part of our overall
 [8] political efforts that were undergoing in the 2002
 [9] cycle. So we are trying to get every state to
 [10] actively engage themselves in this process.
 [11] BY MR. MOGILNICKI:
 [12] Q I first direct your attention to the second
 [13] page which says that the working group meeting took
 [14] place March 19, 2001; is that correct?
 [15] A Yes.
 [16] Q Is that correct?
 [17] A Mm-hmm.
 [18] Q Then I will direct you to the last page of
 [19] this exhibit which has a set of target states?
 [20] A Right. Okay.
 [21] Q I'm asking you: How did this list of
 [22] target states come to be generated?

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[1] A It says right there on the first line of

[6] Q Do Regents or Team 100 members ever grumble

[7] you to you about the allocation that their state received in transfers from the RNC?

[9] A I don't know. I'm sure I've got complaints. I don't know specifically from whom, but I'm sure I've got complaints before.

[12] Q The people who are instrumental in raising sums of money out there, do those people voice opinions about where the money should go?

[15] A I'm sure they do.

[16] Q Do those opinions carry any weight with you when you are deciding where to transfer money?

[18] A No. I'm not going to be rude. But that's not in the matrix.

[20] Q What is a victory plan?

[21] A A victory plan - what specifically do you mean?

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[1] Q Does the RNC have things that are called victory plans?

[3] A We have states that put victory plans together and that we work with the states on.

[5] Q What is a state victory plan?

[6] A What the state is going to do politically as a part of trying to have victory for the ticket.

[8] Q What role does the RNC play in the reviewing victory plans?

[10] A We have a look at them and see if there are ways we can make suggestions about them.

[12] Q What kind of suggestions would the RNC make about a state victory plan?

[14] MR. BURCHFIELD: I object to form.

[15] THE WITNESS: What it means.

[16] It might suggest that they need to think carefully about where they are in terms of outreach efforts. They may have certain things that have been done in the past. Registration has fallen off. So we want them to focus more on making sure they have a good

[21] registration program. There's multiple different things.

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[1] BY MR. MOGILNICKI:

[2] Q What are the RNC goals in commenting on state victory plans?

[4] A As I said, I'm there to make sure we do everything we can to continue to grow in this party. Part of that is communicating with people in the states.

[8] Q Well, I assume from the title victory plan it has to do with electing Republicans to state and federal office?

[11] A Yes, state and federal office. Sure.

[12] Q What is the 72 Hour Task Force?

[13] MR. BURCHFIELD: I object to form, and this is another situation where it would be general rather than specific because of confidentiality concerns.

[16] THE WITNESS: The 72 Hour Task Force is something that we put together to review what happens

[18] in 72 hours of a campaign, to make sure we are doing everything smartly to get our voters out to vote.

[20] BY MR. MOGILNICKI:

[21] Q Do they grow out of any concerns about the Republican Party's effectiveness during the last 72

Page 162

[1] hours?

[2] A It grew out of concern that we needed to do everything we could to make sure we got our voters out, yes, sure.

[5] I obviously saw a copy of Hillary Clinton's campaign plan where she had an entirely separate 72 Hour Task Force for the last three days of the campaign.

[9] Q Are the last 72 hours an important period for a candidate?

[11] A It's an important period for any candidate. It makes no difference what office they are running for.

[14] Q So in an effort to turn out Republicans in the last 72 hours would benefit state and federal election candidates alike?

[17] MR. BURCHFIELD: I object to form.

[18] THE WITNESS: Benefit in what way?

[19] BY MR. MOGILNICKI:

[20] Q Help them get elected.

[21] A The effort is for the entire ticket. So it would hopefully have the impact of turning voters now

Page 163

[1] that if they voted Republican they will change and vote for our candidate.

[3] Q I assume you try to target voters who you think are likely to vote for Republican candidates, isn't that right?

[6] A We do targets, yes.

[7] MR. MOGILNICKI: I would like to introduce an exhibit as Oliver Exhibit 3.

[9] (Oliver Exhibit 3 identified.)

[10] MR. BURCHFIELD: What are your thoughts on

[11] a lunch break?

[12] MR. MOGILNICKI: Let's go just a little longer and then let's break for lunch.

[14] Jack, any time you want a break feel free to say so.

[16] THE WITNESS: How much longer before lunch?

[18] MR. MOGILNICKI: Go as long as it is comfortable for you. I did want to inquire about your comfort since you are doing the hardest work.

[21] THE WITNESS: Let's do this and then break for lunch.

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[1] MR. BURCHFIELD: All right.

[2] BY MR. MOGILNICKI:

[10] not?

[11] A No.

[12] Q So what is reason for spending money in
[13] different ways in this election?

[14] A We decided we wanted to spend money in
[15] different ways this election.

[16] Q But you are not aware of any particular
[17] reason to spend it differently in the year 2000
[18] versus the year 2002?

[19] A No.

[20] Q How does the RNC decide whether to
transfer

[21] money to state parties?

[22] A I'm sorry.

Page 155

[1] Q How does the RNC decide whether to
transfer

[2] money to a state party?

[3] A It depends on what is going on in the
[4] individual state. That's how we make the transfers.

[5] Q What is an example of something that would
[6] cause the RNC to decide to transfer money to a state
[7] party?

[8] A They ask for a specific purpose. We review
[9] whether or not it is valid and make a determination
[10] based on that.

[11] Q What is an example that a state party would
[12] ask money for?

[13] A Voter registration drive.

[14] Q Would a state party ever identify a
[15] particular race that it was particularly concerned
[16] about?

[17] A With regard to a voter registration drive?

[18] Q No, I'm not asking about voter registration
[19] drives. I am stating, does the state party ever say,
[20] "We really need some RNC money because the
following

[21] rate is close"?

[22] A I'm sure the conversation occurs in which

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[1] people talk about the context and what is going on in
[2] the environment. Obviously we are engaged in a lot
[3] of different races. So it is not race specific in
[4] that regard.

[5] Q Wouldn't a close gubernatorial race be a
[6] good reason for the RNC to send money to a state
[7] party?

[8] A It could be.

[9] Q Wouldn't a close Senate race also be a good
[10] reason for the RNC to send money to the state party?

[11] A Remember, this is focused on a particular
[12] activity. There are instances in which clearly we
[13] would be sending money to states where there were
[14] close races, absolutely.

[15] Q Who at the RNC makes a decision how
much a

[16] state will get in a transfer?

[17] A Those recommendations usually come to me.

[18] Q Who makes those recommendations to you?

[19] A I may get a call from the state chairman.

[20] I may get a call from the regional political person.

[21] I may get calls from Blaise or Terry.

[22] The chairman may be on the road. There may

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[1] be some state chairman saying to him: "I need help
[2] for this," or, "We've got a voter registration drive.
[3] We've got an absentee ballot we have to pay for,"
[4] whatever it may be.

[5] Q Is it your decision ultimately which state
[6] gets this?

[7] A My decision, yes. I guess in the end it is
[8] my decision in consultation with the chairman, yes.

[9] Q Can you tell me what considerations leads
[10] you to decide to transfer money to a state party?

[11] What is your thought process?

[12] A What is the environment in the state? What
[13] do they want to do with the money? Does it have
[14] long-term benefit for building our party?

[15] One of the things we do a lot of is
[16] reaching out to communities that have not been
[17] actively engaged in the political process with
[18] Republicans.

[19] In the last 30 years now the African-

[20] American community and the Hispanic community
has

[21] become the goal of the Republican Party.

[22] Those would be kind of my mindset, what

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[1] kind of flow through those things.

[2] Q When you say environment, do you mean the
[3] political environment?

[4] A Mm-hmm.

[5] Q And when you say long-term benefit, do you
[6] mean not just this election but for future elections?

[7] A Forever.

[8] I don't want to be in a situation where -

[9] California is a long-term situation for us. We have
[10] to invest in California for a lot of long-term

[11] deals.

[12] Q Why does the RNC transfer money to state
[13] parties rather than spend the money directly?

[14] A Because we are trying to build
[15] organizations from the ground up.

[16] Q Well, to build a state party from the
[17] ground up shouldn't you require the state parties to
[18] raise their own money?

[19] A We encourage them to raise their own
money

[20] but we are also there to help as well.

[21] Q Do donors to the RNC affect decisions
about

[22] where RNC money is transferred?

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[1] A I think they probably have opinions, but

[2] I'm not sure that their opinions are listened to.

[3] It is not the general practice for me to -

[4] I am certainly going to be polite and listen, but

[5] that doesn't I am going to act on it.

[12] that would be the maximum.

[13] Q The remainder would be issue ads?

[14] A I think so.

[15] Q Do you have again a rough sense of how much

[16] money the RNC transferred to state parties in the
[17] year 2000?

[18] A I don't.

[19] Q Would it be more or less than the amount
[20] spend on broadcast advertising?

[21] A I don't know. Probably somewhere in the
[22] same amount. I don't know the answer.

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[1] Q Do you know how much the RNC spent in
[2] newspaper ads in the year 2000?

[3] A I wasn't involved in it.

[4] Q Would you be surprised if it was more than
[5] \$1 million?

[6] A I don't know.

[7] Q What is this year's budget for the RNC?

[8] MR. BURCHFIELD: I object to form and
[9] confidentiality.

[10] In prior depositions I think in discovery
[11] generally the intervenors have been pretty good about
[12] not getting into specifics of the election that is
[13] now 45 or so days away.

[14] He can answer questions generally about
[15] this, but I don't want him to get into specific
[16] discussions of amounts that are being spent or where
[17] they are being spent or on what.

[18] MR. MOGILNICKI: I understand your point.
[19] I am going to ask some questions that I think are
[20] appropriate in light of those concerns.

[21] BY MR. MOGILNICKI:

[22] Q I ask again: What is the RNC budget for

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[1] the year 2001?

[2] A 2001?

[3] Q I'm sorry. For this year, 2002?

[4] A Roughly \$100 million.

[5] Q What was its budget in 2001?

[6] A I think it was roughly \$50 million. It may
[7] have been higher than that. It was roughly \$50
[8] million.

[9] Q Why was it so much higher in the year 2000?

[10] A Because we have 27 governors on the ballot
[11] this year. There are 27 governor races in the
[12] country this year.

[13] Q In 2002?

[14] A Uh-huh.

[15] Q I understood the budget to be \$250 million
[16] or so in 2000?

[17] A Uh-huh.

[18] Q And it's how much this year?

[19] A Roughly \$100 million.

[20] Q Why is it so much less this year than in
[21] 2000?

[22] A I don't know. That's just what we are able

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[1] to raise right now.

[2] Q You have no idea what accounts for the
[3] difference between the \$250 million budget and the
[4] \$100 million budget?

[5] A The existence of the presidential campaign
[6] would probably indicate one of the reasons why there
[7] was more money raised in the last cycle.

[8] Q Why would that affect fundraising for the
[9] RNC?

[10] A Because there would be more people
[11] engaged
[11] in the process.

[12] Q Do you think that accounts for the whole
[13] \$150 million worth of difference?

[14] A No.

[15] Q Do you have a sense of how much of a
[16] difference it does -

[17] A In my opinion -

[18] MR. BURCHFIELD: I object to the
[19] foundation.

[20] THE WITNESS: I don't know.

[21] BY MR. MOGILNICKI:

[22] Q Is the budget allocations of 2002

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[1] substantially different from the budget allocations
[2] in 2000?

[3] A In what sense? I'm sorry. I don't
[4] understand that question.

[5] Q We broke down some of the bigger segments
[6] of the \$250 million budget in 2000.
[7] I'm wondering if the same building blocks
[8] contain roughly the same proportions of RNC
[9] spending

[9] in 2002 as they did in 2000?

[10] MR. BURCHFIELD: I object to the form.

[11] THE WITNESS: What do you mean by
[12] "building
[12] blocks"?

[13] BY MR. MOGILNICKI:

[14] Q For example, of the \$250 million in 2000 you
[15] indicated approximately \$75 million was spent in
[16] broadcast ads. So that would be about 30 percent, if
[17] my math serves, and I'm wondering if 30 percent of
[18] the 2002 budget roughly is going to be spent on
[19] broadcast ads?

[20] MR. BURCHFIELD: I object; form and
[21] foundation.

[22] THE WITNESS: I don't know the exact

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[1] percentage. I think it would probably be less than
[2] that.

[3] BY MR. MOGILNICKI:

[4] Q Why would it be less than that?

[5] A We're spending money in a different way.
[6] We have chosen to spend money in different ways this
[7] time.

[8] Q Does the RNC spend money in different
[9] ways

[9] depending on whether it's a presidential election or

who

[19] is a Member from Florida. I don't remember the
[20] specific members.

[21] Q Do you remember the conversations?

[22] A I remember the context of the conversation.

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[1] Q Could you give me that?

[2] A We wanted to pass on what we thought the
[3] impact of campaign finance reform was to the
national

[4] party and make sure they knew what they were voting
[5] on.

[6] Q Why Congresswoman Emerson and
Congressman

[7] Foley particularly?

[8] A I don't know why. Those are two that I
[9] remember talking about it.

[10] Q Were there others?

[11] A I'm sure there were.

[12] Q Did you ever urge anyone to vote against
[13] the Bipartisan Campaign Reform Act because of its
[14] consequences to the RNC?

[15] A I think I probably urged people to vote
[16] against it because of the consequences the bill would
[17] have on the process.

[18] Q Have you had conversations in which you
[19] urged a particular vote on tax legislation?

[20] A No. We were trying to pass the final
[21] passage of the president's tax bill but not on the
[22] specifics of it.

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[1] Q With whom did you discuss the president's
[2] tax bill?

[3] A I don't remember, because we had enough
[4] votes. I'm sure we expressed support for it in some
[5] form or another, either by public statements or he
[6] e-mail thing.

[7] I don't know if I talked to a specific
[8] Member of Congress or not. I don't remember that.

[9] I have conversations. If I see them I may
[10] ask: "What's happening? We really need your help on
[11] this vote," or something.

[12] Q Do you think you may have had that kind of
[13] conversation with regard to the tax bill?

[14] A I don't know if I did on the tax bill. I
[15] think so, but I don't remember.

[16] Q You mentioned an education bill as well
[17] when we were talking about legislation.

[18] A No Child Left Behind.

[19] Q Did you urge Members of Congress to vote
[20] for the No Child Left Behind legislation?

[21] A Sure.

[22] Q Do you remember with whom you spoke?

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[1] A I don't know remember with whom I spoke
on

[2] that.

[3] Q Do you remember what kind of pitch you
made

[4] to them to ensure that they voted for the No Child
[5] Left Behind legislation?

[6] A There was some concern and there were
those

[7] who were anxious that it was going to take away too
[8] much of the local control.

[9] I wanted to make sure they understood the
[10] context of the bill and how it was going to be
[11] implemented.

[12] Q Did you tell them what the party's position
[13] was on the No Child Left Behind legislation?

[14] A Sure. I told them the party was in support
[15] of the president on this bill.

[16] Q Are there other pieces of legislation that
[17] sitting here today you remember talking to Members
of

[18] Congress about?

[19] A You know, there may be. I don't remember.

[20] Those are the ones that come to my mind.

[21] But my name is on the E-Champion campaign.

[22] I don't know what goes out. God only knows what

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[1] other pieces of legislation we discussed in there.

[2] Q Can you tell me what the E-Champion is?

[3] A That's the e-mail we send out.

[4] Q Do you know how much the RNC spent in
the

[5] year 2000?

[6] MR. BURCHFIELD: Objection to foundation.

[7] THE WITNESS: I don't know the specific
[8] number, but my memory is such that as a whole - on
[9] everything?

[10] MR. MOGILNICKI: Yes.

[11] THE WITNESS: I don't know. I think 200,
[12] 250. I don't know.

[13] BY MR. MOGILNICKI:

[14] Q Million dollars?

[15] A Yes.

[16] Q Do you have any idea how much of that was
[17] spent on broadcast ads?

[18] A What do you mean by "broadcast ads"?

[19] Q On spending for the production and
[20] broadcasting of ads on television and radio?

[21] A Coordinated expenditures or issue

[22] advocacy?

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[1] Q Both.

[2] A I think it's somewhere around \$70 million,
[3] \$75 million if my memory is correct. I don't want to
[4] be quoted because I don't have that number
memorized.

[5] Q I just looking for general guidelines. Of
[6] that \$75 million, or so, how much was coordinated
[7] expenditures and how much was issue ads?

[8] A I don't know.

[9] The maximum you could spend on coordinated
[10] expenditures according to a population-basis formula
[11] was somewhere in the neighborhood of \$14 million.

So

[3] A Sure. I see a member of the RNC - there
[4] are 165 members contacting their elected
[5] representatives just like everybody does to try to
[6] influence the vote.

[7] Q Would a member of RNC ever contact a
member

[8] who was not their Representative or Senator?

[9] A I can't answer for everybody, but I assume
[10] yes.

[11] Q Are you familiar with any instances where
[12] someone from RNC sought to influence the vote in
the

[13] United States Congress?

[14] A What do you mean by the word "influence"?

[15] Q To recommend a course of action to a
[16] Congressman, for example.

[17] A If you mean by the word "influence" make
[18] their position on an issue known, then I would say
[19] yes.

[20] Q How about urge their Congressman to vote
in

[21] line with the position of the RNC staff?

[22] MR. BURCHFIELD: I object to form.

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[1] THE WITNESS: If you mean make sure that
[2] they understood the RNC's position and encourage
them

[3] to vote for the party, probably yes.

[4] BY MR. MOGILNICKI:

[5] Q What would be an example of legislation on
[6] which an RNC staffer might make sure that a
[7] Congressman understood the position of the party
and
[8] urged him to vote in line with that position?

[9] A Campaign finance reform.

[10] Q Are there any other examples you can think
[11] of offhand?

[12] A Homeland security, maybe. I don't know.
[13] We were not losing in the poll. The tax bill,
[14] education. Those would be three that would come to
[15] mind.

[16] Q There are other examples that don't come to
[17] mind?

[18] A I have received e-mails on other topics.

[19] Q Can you describe that process of the RNC
[20] sending out e-mails?

[21] A Put our opinion on an e-mail and send it
[22] out to a list.

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[1] Q Who is on the list?

[2] A People who signed up to receive e-mail
[3] updates from us.

[4] Q Are Members of Congress on the list?

[5] A I don't think so. It is mostly activists
[6] across the country maybe can go and sign up. It's is
[7] not a restricted thing. They just go to the Web
[8] site. It doesn't cost anything.

[9] Q Do major donors ever voice an opinion on a
[10] particular policy issue to the RNC?

[11] A Lots of people voice opinions to the RNC,
[12] yes.

[13] Q When major donors express their view, do
[14] they ever ask that that view be conveyed to Members
[15] of Congress?

[16] A They if they want to contact a Member of
[17] Congress they usually go directly to the Member of
[18] Congress.

[19] Q Are there people who think that it would be
[20] more effective to speak to the RNC and ask the RNC
to
[21] pass the message along?

[22] A You'd have to ask them. I don't know the

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[1] answer.

[2] Q Has anyone contacted you or others, to your
[3] knowledge, with such a message that they would like
[4] to get passed on to a Member of Congress?

[5] A When I am on the road speaking, people
come

[6] up to me and say: "Pass on a message. Make sure
[7] they are fighting. Make sure they pass terrorism
[8] insurance. Make sure they pass homeland security."
[9] I get that every day when I'm on the road.

[10] That happens no matter where you are or what you
are
[11] doing.

[12] Q Have you ever passed on a message like that
[13] from a Regent or a Team 100 member to a Member
of
[14] Congress?

[15] A Oh, I'm sure there are specific times when
[16] I told them, when somebody says, "What are you
[17] hearing out there?" I say, "I hear people anxious
[18] about this or that." Sure. I'm sure there are
[19] instances of that.

[20] Q Have you ever specifically passed on a
[21] remark made a Regent or Team 100 member to a
[22] particular Member of Congress?

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[1] A I'm sure there are occasions where I sent a
[2] letter that someone sent over to me to a Member of
[3] Congress, but I don't remember a specific one.

[4] Q Have you ever called a Member of Congress
[5] regarding a piece of pending legislation?

[6] A Yes.

[7] Q Who have you called?

[8] A I don't know if I recalled. I have talked
[9] to Members of Congress about campaign finance
[10] reform.

[11] Q With whom have you spoken about
campaign

[12] finance reform?

[13] A What do you mean?

[14] Q You said you had spoken to Members of
[15] Congress about campaign finance reform. I'm asking
[16] you which members.

[17] A I talked to Joanne Emerson who is a
[18] Missouri Congresswoman. I talked to Mark Foley

[4] Q Do you think the RNC will be less effective
[5] next year than it was this year?

[6] A Effective in what?

[7] Q In meeting its mission.

[8] A Well, you can't get involved in state
[9] activities so it is going to change that. It's
[10] nationalizing the party.

[11] The state stuff you are just saying that
[12] this bill severely limits what the national committee
[13] can do with states.

[14] Q What it can do or how it raises the money
[15] to do the things that it wants to do?

[16] A It limits what it can do.

[17] Q How does did it do that?

[18] A By federalizing state elections if the RNC
[19] is involved.

[20] Q Rick Michaels says that the RNC's principal
[21] function - it refers to the principal function of
[22] fundraising.

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[1] Do you believe that the RNC's principal
[2] function is fundraising?

[3] A No.

[4] Q Do you recall discussing with Rick Michaels
[5] how the party might adapt to the new legal
[6] environment?

[7] A I'm sure that I had a conversation with
[8] him, but I don't recall the specifics of it.

[9] Q Would Al Hoffman have been part of that
[10] conversation as well?

[11] A He could likely have been, but I don't
[12] remember.

[13] Q Do political parties help set the
[14] legislative agenda in Congress?

[15] MR. BURCHFIELD: I object to form and
[16] foundation.

[17] THE WITNESS: You would have to ask the
[18] Members of Congress.

[19] BY MR. MOGILNICKI:

[20] Q Well, the party would influence the
[21] legislative agenda by speaking to Members of
[22] Congress, but you are the deputy chair of parties.

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[1] So I'm guessing you might have come information
[2] relevant to this problem.

[3] Can you tell me from where you sit and from
[4] all you know about the way politics work, dose the
[5] party play a role in setting the legislative agenda
[6] in Congress.

[7] MR. BURCHFIELD: I object to the statement
[8] because I think it's inaccurate, and my object to the
[9] question goes to the form and foundation.

[10] THE WITNESS: Can you restate the question
[11] for me, please?

[12] MR. MOGILNICKI: Yes.

[13] BY MR. MOGILNICKI:

[14] Q Do you have any information that bears on
[15] the issue of whether the parties help set the
[16] legislative agenda in the United States Congress?

[17] A I have not seen the parties - in my time
[18] at the RNC we have not been involved in setting the
[19] agenda, no.

[20] Q Does the RNC have an influence on who
[21] runs
[22] for federal office?

A Not really.

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[1] Q Have you personally played any role in
[2] encouraging a candidate to get into a race?

[3] A Oh, I encourage candidates to get into the
[4] race up and down the ballot, sure.

[5] Q Can you give me an example of a United
[6] States Senate campaign where you encouraged a
[7] person
[8] to run?

[9] A I encouraged John Thune to run, but I
[10] also encouraged Connie Sears to run for state
[11] representative in Missouri.

[12] Q Does the RNC take positions on issues?

[13] A Yes.

[14] Q Does the RNC take positions on
[15] legislation?

[16] A When you say "legislation," do you mean
[17] specific bills or do you mean general topics.

[18] Q Let's try general topics first.

[19] A General topics in some cases yes.

[20] Q Does the RNC inform the general public of
[21] its position on general topics?

[22] A Sure.

Q Does the RNC inform Members of the
United

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[1] States Congress of the RNC's position on general
[2] topics?

[3] A Yes, we do. It's not a frequent thing but
[4] it does occur.

[5] Q Does the RNC ever seek to influence the
[6] outcome of a vote in Congress?

[7] A Sure.

[8] Q Can you give me an example?

[9] A Yes.

[10] We ask our grassroots volunteers all across
[11] the country to communicate with Members of
Congress

[12] on issues that are important to them.

[13] During the tax battle for the tax bill, we
[14] encouraged people to contact their Member of
[15] Congress. We made press statements. We did press
[16] conferences. We did talk radio. We clearly were
[17] actively engaged in that.

[18] Q Does the RNC seek anymore to directly
[19] influence Republican federal officeholders to vote a
[20] certain way on legislation?

[21] A Can you give me an example?

[22] Q Would, for example, someone representing

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[1] the RNC seek to influence a particular legislator
[2] about his or her vote?

[6] memo, that is in Oliver Exhibit 2?

[7] A I remember talking with Rick about campaign

[8] finance reform, but I don't remember whether we
[9] talked about the specifics that he laid out in the
[10] memo.

[11] Q Turning back a few pages to the private and
[12] confidential memo, do you recall at any time seeing
[13] this document?

[14] A I may have seen it. I may not have. I
[15] don't remember. I'm sorry.

[16] Q What would have been your practice if you
[17] received a memo from a Regent?

[18] A I probably would read through, looked at
[19] it, and Rick had some things on here. I would sit
[20] down and make sure we listened to what he had to
[21] say. So I probably would have sent Bev to hook up
[22] with Rick when we were next together to chat.

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[1] Q Was it your practice to hand correspondence
[2] back to Janice for filing?

[3] A It depends on what it was. The reason
[4] Janice is on here probably because of the scheduling
[5] piece of it.

[6] Q Who does your filing?

[7] A I don't even know. It goes into a box on
[8] my desk and somehow disappears. I take it, carry it
[9] and set it on something, and it goes somewhere. I
[10] really don't know. I don't know the answer to the
[11] question. I don't know what she does.

[12] Q Have you ever been able to retrieve
[13] something that disappeared from your desk?

[14] A Yes, I have. Usually, I need to find X,
[15] and somehow it magically appears. I don't know
[16] where it goes.

[17] Q Have you ever been unable to find
[18] something

[18] you sought to file?

[19] A Uh-huh. I didn't send to file this. I set
[20] up a meeting on it.

[21] Q But you agree with me it says "File - Rick
[22] Michaels"?

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[1] A It's not my handwriting. I don't know
[2] whose handwriting it is.

[3] Q But you agree with me that's on that
[4] document?

[5] A There is an indication that says "file"
[6] with slash underneath and then "Rick Michaels," yes.

[7] Q I want to direct you to the second page of
[8] the private and confidential memo.

[9] A Is that page 2?

[10] Q Page 2 of that memorandum which Bates
[11] stamped RNC 0317401.

[12] A This page - I've got it. Is this the
[13] correct page?

[14] Q Yes.

[15] And the second full paragraph starts with

[16] the word "Unfortunately," and reads:

[17] "Unfortunately, virtually all the chairmen
[18] and cochairmen of the Major Donor Groups (who
[19] were

[19] active 1999 - early 2001)) have either received
[20] appointments or have requested 'retirement'."

[21] Is that accurate?

[22] A I don't know.

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[1] Q Isn't it part of your responsibility to
[2] know who the chairmen and cochairmen of the major
[3] donor groups are?

[4] A Yes, but if you notice the cochairman, if
[5] you notice is active in '99. I wasn't involved in
[6] the fundraising at RNC in '99.

[7] Q Why? Is that because the period ends in
[8] early 2001?

[9] A I came on board when the transition was
[10] made in January. So we put a new team together of
[11] people.

[12] Q Did you have any understanding of what had
[13] happened to the old team?

[14] A I knew that the finance chairman had
[15] retired, Mel Sembler. Rick was still there. I think
[16] he was involved before. I'm trying to think. Julie
[17] Finley was still around but she was with the Team 100
[18] people. She was taking a break, I think, if my
[19] memory is correct.

[20] Q Did Mel Sembler retire?

[21] A He left in January.

[22] Q What did Mel Sembler do after leaving
RNC?

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[1] A He went back to Florida.

[2] Q Has ever held an appointed office?

[3] A Right now he is ambassador to Italy, but I
[4] think that happened late last year, if my memory is
[5] correct.

[6] Q Let me draw your attention to the next to
[7] the last page of the document.

[8] A Can give me the page number, please?

[9] Q Sure. Page 5 of the memo which is also
[10] Bates stamped RNC 0317404.

[11] In the next to last paragraph of this
[12] memorandum J. Patrick Michaels says:

[13] "In summary, although anticipated campaign
[14] finance reform may ultimately result in dramatically
[15] different ways in which the RNC is able to fulfill
[16] its principal fundraising, establishing a structure
[17] which is properly organized and staffed will provide
[18] for sufficient flexibility to be able to meet these
[19] challenges."

[20] I want to ask you if you think that it is
[21] possible for the RNC to continue to meet the
[22] challenges posed by the need to raise funds after

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[1] McCain-Feingold becomes effective?

[2] A In my opinion the RNC will be still able to
[3] raise some money but probably a lot less.

[5] effect?

[6] A He may have. I don't remember whether he
[7] has or not. I don't remember.

[8] MR. MOGILNICKI: I would like to mark as
[9] Oliver Exhibit 2 a document stamped RNC 0317395
[10] through RNC 0317450.

[11] The top page of the letter has Jack Oliver
[12] and from J. Patrick Michaels and a number of
[13] attachments including some organization charts and a
[14] private and confidential memo from J. Patrick
[15] Michaels.

[16] (Oliver Exhibit 2 identified.)

[17] BY MR. MOGILNICKI:

[18] Q Would you familiarize yourself with this?
[19] I'm not going to ask you about every page. But, of
[20] course, you should spend whatever time you would
[21] like

[21] to review it.

[22] A (Witness examined the document.)

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[1] Q Have you read through Oliver Exhibit 2?

[2] A That's right.

[3] Q Let me ask you first about the letter, the
[4] first two pages of Oliver Exhibit 2.

[5] A Okay.

[6] Q Do you recall receiving this letter?

[7] A Not until you showed it to me again do I
[8] recall receiving this letter.

[9] Q Do you recall it now after you had an
[10] opportunity to read it?

[11] A I just read it. I recall it.

[12] Q Is this your handwriting down on the
[13] right-hand side of the top of the first page of
[14] Oliver Exhibit 2.

[15] A Yes.

[16] Q Can you translate it for me?

[17] A Yes. It says: "Bev/Janice, we need to
[18] meet with Al and Rick, you and me in San Fran, re:
[19] This and Jeb."

[20] Q Bev is Bev Shay?

[21] A Yes.

[22] Q Janice?

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[1] A She's the person who handles my schedule.

[2] Q Who is Al?

[3] A Arthur is a former finance chairman of the
[4] Republican National Committee.

[5] Q Who is Rich?

[6] A Rick.

[7] Q Is it Rick?

[8] A Yes, sir. Rick, the second Rick.

[9] Q And is Rick J. Patrick Michaels?

[10] A Yes.

[11] Q And why in San Francisco?

[12] A I don't remember specifically, but I'm
[13] guessing that that's where our next meeting was that
[14] we were all going to be in the same place.

[15] Q Who called what meeting it was in San
[16] Francisco around the summer of 2001?

[17] A Yes. We had a Team 100 and Regents
meeting

[18] out there.

[19] Q And when you say "read this," are you
[20] referring to the substance of the memo that's
[21] attached to the letter?

[22] A No, the letter itself. He had some ideas

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[1] that he wanted to talk about. So obviously we were
[2] going to sit down and listen to him talk.

[3] Q Do you remember receiving a memo at the
[4] time you received the letter?

[5] A I don't know if it was attached or not. I
[6] can't remember. What I would have done is I would
[7] have handed it and said send this down to Bev. I
[8] would given to Janice for me and then to Bev.

[9] Q So that this here would have referred to
[10] whatever Rick Michaels had sent you?

[11] A No. What it refers to is the page in which
[12] I wrote which includes the top two pages. I don't if
[13] any of this other stuff was attached or not. I don't
[14] know the answer to that question.

[15] Q If you look on the second page, Rick
[16] Michaels writes, "I have attached some charts."
[17] Does that help you recall whether or not he
[18] attached some charts?

[19] A The letter says there are charts.

[20] Q You don't recall either way?

[21] A I don't recall.

[22] Q And the same with the memo, you don't

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[1] recall either way whether the memo was attached?

[2] A I don't recall.

[3] Q It says "read this" and then "Jeb." What
[4] did you mean by Jeb there?

[5] A Rick Michaels is from Florida. I wanted to
[6] find out what Jeb was doing in the campaign.

[7] Q I see. So you recall now that was an
[8] unrelated item to the instruction?

[9] A That was not related at all.

[10] Q Whose writing is at the bottom of this
[11] first page of Oliver Exhibit 2?

[12] A I don't know the answer to that question
[13] I'm not familiar with that, really.

[14] Q Are you familiar with Janice's writing?

[15] A Yes. My Janice, yes.

[16] Q Does this look like Janice's writing?

[17] A No. I don't think so. I don't know.

[18] Q There is a little writing in the upper
[19] left-hand corner. I think it says, "File, Rick
[20] Michaels."

[21] Do you know whose handwriting that is?

[22] A No, I'm sorry, I don't.

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[1] Q Did you meet with Al, Rick, and others in
[2] San Francisco?

[3] A I don't remember if we did or not.

[4] Q Do you remember any discussion about the
[5] ideas set forth in the letter, the charts or the

[4] It does not ban soft money's usage by 527
 [5] and outside organizations will be able to spend soft
 [6] money as they can today.
 [7] The only entity that will not be able to do
 [8] that is the National Republican Party and the
 [9] National Democratic Party.

[10] Q Are you concerned about the consequences
 to

[11] the Republican National Committee in light of the
 new
 [12] legislation?

[13] A Yes.

[14] Q What do you think the consequences will be
 [15] for the Republican National Committee from the
 [16] McCain-Feingold legislation?

[17] MR. BURCHFIELD: Again, if you can answer
 [18] that without disclosing privileged communications,
 [19] you may answer.

[20] THE WITNESS: You've federalized state
 [21] elections.

[22] BY MR. MOGILNICKI:

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[1] Q Can you explain what you mean by that?

[2] A You've federalized state elections. You've
 [3] taken away a party's ability to advertise or
 [4] communicate on behalf of Republicans as a label if
 [5] there is a federal candidate on the ballot so that
 [6] state candidates and state officials won't want to
 [7] have any involvement with a federal candidate or if a
 [8] federal candidate or federal person is on the
 [9] ballot. You've federalized the election.

[10] Q I'm not sure I understand. First of all,
 [11] by "you" you mean the McCain-Feingold legislation?

[12] A That's what I mean. I'm sorry. The
 [13] legislation. I apologize.

[14] MR. BURCHFIELD: Although we are holding
 [15] you personally responsible for this.

[16] MR. MOGILNICKI: I am glad my powers are
 [17] finally being acknowledged.

[18] BY MR. MOGILNICKI:

[19] Q You indicated that state officeholders
 [20] wouldn't want to be associated with federal
 [21] candidates, have I got that right?

[22] A The law specifically says that if there is

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[1] a federal officeholder on the ballot you can't do
 [2] generic party activities without federalizing them
 [3] even though there are multiple state candidates also
 [4] on the ballot.

[5] Q What generic state activities are in your
 [6] view forbidden by the legislation?

[7] A I didn't say forbidden. We are talking
 [8] about how it is paid for.

[9] Q Okay. So nothing is forbidden. Do I have
 [10] that right?

[11] A No.

[12] MR. BURCHFIELD: I object to form.

[13] THE WITNESS: The McCain-Feingold
 [14] legislation outlaws or makes impossible state

[15] candidates not be affected in election years that
 [16] federal candidates are on the ballot, therefore,
 [17] making generic activities federal.
 [18] An absentee ballot for a registration
 [19] project, all the things that parties do, now become
 [20] 100 percent federal even if there is only one federal
 [21] candidate on the ballot on there are 25 state
 [22] candidates on the ballot.

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[1] BY MR. MOGILNICKI:

[2] Q And your concern with McCain-Feingold is
 [3] that in your view it will federally regulate state
 [4] party activities?

[5] A That would be one concern.

[6] Q What are the other concerns?

[7] MR. BURCHFIELD: I object to the form and
 [8] foundation.

[9] THE WITNESS: I have already expressed
 [10] other concerns that treats the party differently.

[11] BY MR. MOGILNICKI:

[12] Q Will the RNC under your leadership be able
 [13] to continue to serve its mission even after
 [14] McCain-Feingold?

[15] A The RNC will be severely affected because
 [16] we will not be able to be involved in state
 [17] campaigns, governor's races, attorney general races,
 [18] secretary of state races, and other activities that
 [19] we are very much involved in today.

[20] Q Can the RNC continue to be involved in
 [21] state races to the extent the RNC uses hard money?

[22] MR. BURCHFIELD: I object to the

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[1] foundation.

[2] THE WITNESS: I don't know. I don't know
 [3] what the law is.

[4] BY MR. MOGILNICKI:

[5] Q If the law did allow the RNC to spend hard
 [6] money in states would that allay your concerns about
 [7] the effects of the legislation?

[8] A No.

[9] Q Who is J. Patrick Michaels?

[10] A Rick Michaels.

[11] Q I only know his name as J. Patrick
 [12] Michaels.

[13] A Rick Michaels.

[14] Q Who is Rick Michaels?

[15] A He is a Regent from Florida.

[16] Q Excuse me?

[17] A From Florida.

[18] Q Have you received memos from Rick
 [19] Michaels?

[20] A Yes.

[21] Q What do those memos discuss?

[22] A Prospects for donors, how he is coming in

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[1] and working on stuff he is involved with.

[2] Q Does he, to your recollection, send you
 [3] memos regarding how the RNC can adjust to the new
 [4] legal landscape after McCain-Feingold goes into

[3] Q When you read this article previously or an
[4] article like it, did you take any steps to correct
[5] any misimpression that might have been given by the
[6] article?

[7] A No, I don't always read the newspapers.

[8] Q What are the benefits of joining the
[9] Regents program?

[10] A I'm sorry.

[11] Q What are the benefits of joining the
[12] Regents program?

[13] A We have three meetings a year, two or
[14] three, depending on the year.
[15] When we get together we spend time
[16] together, usually have a couple of meals, may have an
[17] opportunity to hear some speakers.
[18] They receive a magazine we put out called
[19] The Rising Tide to keep them up to date on what is
[20] happening with the party.
[21] We have a gala every year that they come
[22] to.

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[1] That's about it.

[2] Q At the two to three meetings you have a
[3] year how many Regents typically attend?

[4] A Six to 10 maybe.

[5] Q How many federal elected officials do
[6] typically attend?

[7] A It depends on the individual meeting.

[8] Q What is the range?

[9] A Zero to - I don't know - five or six,
[10] maybe seven, maybe 10.

[11] Q And how many members of the
[12] administration
[12] attend?

[13] A It depends on the meeting.

[14] Q What is the maximum?

[15] A Usually not more than one, maybe two. It
[16] depends on if you are in D.C. or not. If you are in
[17] D.C. it is more likely to have members from both the
[18] administration and Congress than you do outside the
[19] city. We tend to have meetings both in the city and
[20] outside the city.

[21] Q Do the members when they attend make
[22] presentations?

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[1] A Sometimes.

[2] Q Do they sit down at meals with the Regents?

[3] A Sometimes.

[4] Q When there is a gala is the seating
[5] arranged by contribution levels?

[6] MR. BURCHFIELD: I object to form and
[7] foundation.

[8] THE WITNESS: I'm not responsible for the
[9] seating at the gala.

[10] BY MR. MOGILNICKI:

[11] Q Have you ever gotten a complaint from a
[12] Regent that they didn't like their table?

[13] A I've gotten complaints from a lot of people
[14] that they didn't like their table. My goal is trying

[15] to have people enjoy themselves.

[16] Q Do Regents get more of your attention than
[17] members of the Chairman's Advisory Board?

[18] A It depends.

[19] Q On what does it depend?

[20] A Whether they come to events. Where I know
[21] my personal base is. Whether I have known them in
[22] the past.

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[1] Q Are Regents recognized in any way at RNC
[2] events; in other words, are their names up on
[3] easels? Are they listed in the program?

[4] A Oh, I'm sure there's instances where
[5] Regents would be listed in the program if they are
[6] part of a gala or something. All of the people that
[7] are part of the event would be listed.

[8] Q Are they listed by category?

[9] A I don't think so. They may have been. I'm
[10] sure there may be a piece of paper shows them that
[11] way. I don't know the answer.

[12] But there is no effort made to put

[13] everybody's name out on anything.

[14] But if they are like a part of Regents, we

[15] do one gala. If they are part of the dinner

[16] committee they would be listed on there as such.

[17] Q Are there separate listings for members of
[18] Team 100 or Regents?

[19] A Mm-hmm.

[20] Q Yes or no?

[21] A No. It would be based in terms of their
[22] participation in that actual event, I think. My

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[1] knowledge is that that is the case.

[2] MR. MOGILNICKI: Let's take a five-minute
[3] break.

[4] (Recessed at 10:56 a.m.)

[5] (Reconvened at 11:05 a.m.)

[6] MR. MOGILNICKI: Let's get back on the
[7] record.

[8] BY MR. MOGILNICKI:

[9] Q Has the Republican National Committee
[10] started planning for the change in the law that will
[11] be effective after this election thanks to the
[12] McCain-Feingold campaign reform legislation?

[13] MR. BURCHFIELD: I would interject here,

[14] Mr. Oliver, you may answer this question, but bear in
[15] mind we are getting into an area that is privileged.

[16] The answer to this question calls for yes
[17] or no answer.

[18] THE WITNESS: Yes.

[19] BY MR. MOGILNICKI:

[20] Q Is it your understanding that McCain-
[21] Feingold bans soft money that we have been
[22] discussing
[22] today?

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[1] A The McCain-Feingold legislation bans
[2] national parties from involvement at the state party
[3] and state races.

[6] Q Just let me read you the sentence preceding
 [7] the one I just read.
 [8] "When questioned about bills, such as
 [9] McCain-Feingold, concerning campaign finance
 reform,
 [10] Oliver said that he supported eliminating soft
 [11] money."
 [12] Is that true or false?
 [13] A I said that the president had supported
 [14] eliminating soft money in the campaign as it is
 [15] stated by my quote.
 [16] Q Hence, is this report in error when it says
 [17] that you supported eliminating soft money?
 [18] A It is in conflict with my personal position
 [19] on this issue, yes.
 [20] You need to understand the context of the
 [21] question, because they asked me what the president's
 [22] position on this bill was, not my personal - I

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[1] remember that piece - and that's the position that
 [2] we took in the campaign, the president took in the
 [3] campaign.
 [4] Q And that is the president's position, I
 [5] take it?
 [6] A That was the stated position of the
 [7] president in the campaign, correct.
 [8] Q And your personal view is that corporate
 [9] and union money should not be outlawed?
 [10] A Union money will never be outlawed because
 [11] the law that governs union activities is not
 [12] regulated by the Federal Election Commission. It is
 [13] regulated by the National Labor Relations Act, which
 [14] allows unions to communicate with their members
 [15] outside of this.
 [16] So, union money will always be in
 [17] politics. It just is not reported as such.
 [18] But what I said is true, which is there is
 [19] no current limit on unions, which there isn't, and
 [20] the position we took is if we could get a ban on that
 [21] money being spent we would be happy to put a ban
 on
 [22] corporate as well.

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[1] Q What is wrong with unions spending money
 to
 [2] educate union members?
 [3] A Nothing is wrong with it.
 [4] Q So why should it be outlawed?
 [5] A I didn't. What I said if they want to
 [6] silence us, they have to silence them at the same
 [7] time.
 [8] We have to have the ability to communicate
 [9] as well. Individuals have to have the ability to
 [10] communicate as well.
 [11] Q It is clear from this passage that you
 [12] don't want to limit individuals, I think?
 [13] A Right.
 [14] Q But you said, according to this report,
 [15] they shall outlaw and ban corporate and union

money.

[16] I'm trying to figure out what's wrong with
 [17] corporate money and what's union money?
 [18] A There is nothing wrong with it.
 [19] But if you are going to pass a bill, which
 [20] it was likely to be done in the time this discussion
 [21] was happening, I thought it should be a fair bill.
 [22] Q What would make a bill fair?

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[1] A If you are going to silence one side you
 [2] ought to silence the other.
 [3] Q I assume, then, you are against loopholes
 [4] that would allow any organization to continue doing
 [5] the same work through a different legal mechanism?
 [6] MR. BURCHFIELD: I object to the form and
 [7] foundation.
 [8] THE WITNESS: What do you mean by
 [9] "loopholes"?
 [10] BY MR. MOGILNICKI:
 [11] Q If legislation failed to prevent a practice
 [12] in all its forms I take it you would be concerned
 [13] about such legislation because it would allow the
 [14] practice to continue to be unfair in that regard?
 [15] A You are asking me a question in a
 [16] hypothetical?
 [17] Q Mm-hmm.
 [18] A I assume hypothetically, yes.
 [19] Q So the words that you are quoted as saying
 [20] are the president's position but not your own?
 [21] A The president's position in the campaign
 [22] was that we should ban and outlaw corporate and
 union

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[1] money but that we should allow individuals and not
 [2] put a limit on it. That was the position.
 [3] Q Was it the president's position on January
 [4] 29, 2002?
 [5] A I don't know the answer to that question.
 [6] That was not the question that was asked of me.
 [7] Q And the quote on page 2 of Oliver Exhibit
 [8] 1, that is not your personal view?
 [9] MR. BURCHFIELD: Objection; asked and
 [10] answered a couple of times.
 [11] MR. MOGILNICKI: Asked a couple times. I
 [12] agree with you there.
 [13] BY MR. MOGILNICKI:
 [14] Q Is this your personal view?
 [15] MR. BURCHFIELD: Asked and answered a
 [16] couple times.
 [17] You may answer it again.
 [18] THE WITNESS: I clearly believe that we
 [19] should not limit participation in politics.
 [20] When asked the question about
 [21] McCain-Feingold, I stated if they are going to outlaw
 [22] corporate money they should also outlaw union
 money

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[1] at the same time.
 [2] BY MR. MOGILNICKI:

[5] control of their individual bank account.
 [6] Q I understood you say that the RNC policy is
 [7] actually stricter in your view than the law requires?
 [8] A The law does not set an age.
 [9] Q And the RNC sets an age?
 [10] A Yes.
 [11] Q Do you know what that age is?
 [12] A I think it's 16, but I'd have to go back
 [13] and check the exact age.
 [14] Q Why does the RNC set a strict age
 [15] requirement?
 [16] A So the policy is clear. We want to be
 [17] clearer than the FEC on that law on that.
 [18] Q I am asking what concern. I wanted to make
 [19] sure that you are even stricter than the law
 [20] requires.
 [21] A No concern. I'm just taking the issue of
 [22] somebody saying that contribution was given on
 behalf

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[1] of somebody else off the table.
 [2] Q So the concern is that the money is really
 [3] coming from the parents?
 [4] MR. BURCHFIELD: I object to form.
 [5] THE WITNESS: No.
 [6] What I said was the concern is so that you
 [7] take the issue off the table of somebody arguing that
 [8] the contribution was coming as a result of their
 [9] parents.
 [10] BY MR. MOGILNICKI:
 [11] Q So you avoiding the appearance that the
 [12] money is really coming from the parents?
 [13] A That's correct.
 [14] Q Are there some donors who refuse to give
 [15] soft money but agree to give hard money?
 [16] A Yes.
 [17] Q And when they give hard money, do you
 [18] suggest races in which they could make the maximum
 [19] contribution?
 [20] A Yes.
 [21] Q What reasons do people give when they want
 [22] to give hard money rather than soft money?

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[1] A They were more interested in federal races
 [2] than they are in their own state races.
 [3] Q What in your view is the effect of soft
 [4] money on the American political system?
 [5] MR. BURCHFIELD: I object to form.
 [6] THE WITNESS: What do you mean?
 [7] BY MR. MOGILNICKI:
 [8] Q I mean, what do you think the advent of
 [9] soft money has done to the American political
 [10] system?
 [11] A Do you mean state-regulated dollars?
 [12] Q Yes.
 [13] A I don't understand the question.
 [14] Q Do you think there are any adverse
 [15] consequences from soft money donations to the
 parties

[16] by corporations?
 [17] A No.
 [18] Q Do you think there are any adverse
 [19] consequences from large soft money donations to the
 [20] parties from unions?
 [21] A No.
 [22] Q Do you think soft money should be

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[1] outlawed?
 [2] A No.
 [3] MR. MOGILNICKI: I would like to mark this
 [4] as an exhibit. This will be Oliver Exhibit 1. This
 [5] is article from idsnews.com Web site. It is three
 [6] pages long, and it is dated January 29, 2002.
 [7] (Oliver Exhibit 1 identified.)
 [8] BY MR. MOGILNICKI:
 [9] Q Would you take a moment to read this
 [10] article?
 [11] A (Witness examined the document.)
 [12] Q Have you had an opportunity to read Oliver
 [13] Exhibit 1?
 [14] A Yes.
 [15] Q Did you speak at Indiana University on or
 [16] around January 29, 2002?
 [17] A Yes, sir.
 [18] Q Have you ever seen this article about that
 [19] speech previously?
 [20] A I may have, but I don't remember seeing
 [21] it. Actually that's not true. I think I have seen
 [22] it, but I think there were two articles written, one

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[1] in this one and one in the campus newspaper, too. I
 [2] don't know this is the campus one.
 [3] Q It looks like the reporter is from the
 [4] Indiana Daily Student. So it may be the same article
 [5] you produced on the Web.
 [6] I want to direct your attention to the
 [7] second page where you are quoted as saying:
 [8] "They should outlaw and ban corporate and
 [9] union money but at the same time they shouldn't limit
 [10] the people."
 [11] Does that reflect the substance of your
 [12] remarks at Indiana University?
 [13] A Yes, it does.
 [14] Q Why should corporate and union money be
 [15] outlawed?
 [16] A This is in response to a question which is
 [17] not on here.
 [18] What I said at this event was that - they
 [19] asked me about the position that the president had
 [20] taken during the campaign on the McCain-Feingold
 [21] bill, which the president said that he thought we
 [22] should outlaw and ban corporate and union

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[1] contributions to the national committees but not put
 [2] a limit on individual donors.
 [3] That was the crux of the conversation.
 [4] That was the crux of the answer I made to that
 [5] question.

[3] questions and to hear people speak, the answer is
[4] yes.

[5] As to whether or not you have a
[6] conversation with them, I'm not privy to all the
[7] conversations. I certainly don't say that that's
[8] part of the deal.

[9] Q When corporations decide to respond
[10] favorably to your solicitation, are they in your view
[11] responding to the need to support Republican
[12] candidates in elections nationwide?

[13] A Yes -

[14] Q Why?

[15] A - and to support the ongoing operation of
[16] the party.

[17] Q Why would a corporation give to both
[18] parties?

[19] A You have to ask them. I have no idea.

[20] Q Are you familiar with corporations that
[21] give to both parties?

[22] A As has been reported, yes.

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[1] Q Have you ever solicited a corporation
[2] knowing that they have already given to the
[3] Democratic National Committee?

[4] A I'm sure I have. I'm sure I have called
[5] people who have given to both.

[6] Q Have you ever called someone knowing
[7] already when you placed the call that they had
[8] already given to the DNC?

[9] A I'm sure there's an instance I have. I
[10] can't remember a specific one. I can't say I never
[11] have.

[12] Q Do you recall any instance of calling the
[13] corporation that had already given to the DNC and
[14] asking them for a donation?

[15] A I'm sure I have called corporations who
[16] have a history of giving to both parties. So, if
[17] that's the question, the answer is yes.

[18] Q Do you alter your solicitation in any way
[19] when you know that the person you are calling has
[20] already given a substantial sum to the Democrats?

[21] A No.

[22] Q Are people who are considering giving
money

Page 102

[1] ever asked that the money go to a particular
[2] purpose?

[3] A It's not our policy to do. We don't say
[4] give here and spend there.

[5] We talk about the general things that we
[6] do. People understand what we do.

[7] So, if an individual is focused on one
[8] specific thing and they made that comment to me, I
[9] would make it clear that we don't do those kind of
[10] directed things.

[11] Obviously, part of what we're doing is
[12] trying to affect the debate.

[13] If there is a specific instance you have a
[14] question about, I'm happy to answer that, but as a

[15] general practice, no.

[16] Q I'm not sure I understood you. I
[17] understood your prior answer to say that the RNC
[18] doesn't engage in the practice of earmarking; is that
[19] right?

[20] A Yes.

[21] Q I also understood your answer to suggest
[22] that people sometimes suggest that the money should

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[1] be earmarked?

[2] A Right. I tell them if they want to give a
[3] contribution based on one thing they can't do that,
[4] that we don't do earmarked contributions.

[5] So I try to do it in a way that I'm not in
[6] your face about it.

[7] Q So people seek to earmark?

[8] A I'm sure there's an instance where someone
[9] says, "I want you to spend this money on X," and I
[10] say, "Look, we I can't do it."

[11] I don't remember a specific one.

[12] Q Is a donor ever given credit for money
[13] donated to a state party towards his or her Regents
[14] membership?

[15] A We do allow an individual to give if they
[16] want to put \$25,000 of their membership towards a
[17] state party, we will credit that, yes.

[18] Q Why do you do that?

[19] A Because we want to make sure that if a
[20] donor is worried about that individual state we want
[21] to help that as well. We want to make sure that they
[22] get to help their individual state as well.

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[1] Q But why give them credit towards the
[2] Regents membership?

[3] A Why not?

[4] Q Well, why not make Regents \$75,000? I'm
[5] sorry. Why not make Regents \$225,000?

[6] A Not everybody has a desire or wants \$25,000
[7] of their donation to go somewhere else.

[8] Q Do you instruct donors that they can give
[9] hard money donations on behalf of their spouses?

[10] MR. BURCHFIELD: I object to form.

[11] THE WITNESS: No.

[12] BY MR. MOGILNICKI:

[13] Q Do you accept contributions from minors?

[14] A No. There's a specific policy on that. I
[15] don't remember the exact age we have. But you have
[16] to be a certain age and control your bank account.

[17] I'm very careful about this. There is no reason to.
[18] We are very, very careful. Actually, we are more
[19] careful than the law requires on this issue.

[20] Q So there's no reason?

[21] A There's no reason to. This is an area that
[22] people concern, and so we don't go there.

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[1] Q What concern are you addressing toward the
[2] policy?

[3] A That we want to follow the full extent of
[4] the law by making sure that the individuals are in

[5] NRCC about special elections for state legislatures?
 [6] A Oh, sure. Absolutely, I have to do that,
 [7] 100 percent.
 [8] Q Can corporations join the Regents program?
 [9] A Do you mean like can a corporation write a
 [10] check and become a member of the Regents
 [11] program?
 [12] Q Yes.
 [13] A Yes.
 [14] Q When a corporation becomes a member of
 [15] the
 [16] Regents program who goes to Regents' functions
 [17] from
 [18] that corporation?
 [19] A That's up to the corporation.
 [20] Q What person particularly is the corporate
 [21] representative to Regents functions when a
 [22] corporation joins the Regents program?
 [23] A It depends. Sometimes it's the CEO.
 [24] Sometimes it's the VP. Sometimes it's the person in
 [25] the company who is politically active. Sometimes

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[1] it's a government affairs representative.
 [2] I think it depends on the individual
 [3] corporation. We don't make that determination for
 [4] them.
 [5] Q Have you solicited corporations to become
 [6] members of the Regents program?
 [7] A I have solicited individuals in
 [8] corporations asking them to see if the corporation
 [9] can become a member of the Regents program.
 [10] That's
 [11] how you solicit. You can't solicit a corporation.
 [12] You have to solicit actually a person.
 [13] Q What do you say to a person whom you are
 [14] seeking to authorize a corporate contribution that
 [15] would qualify for the Regents program?
 [16] A "We need your help. We've got a ton of
 [17] elections this year. We need to do everything we can
 [18] to make sure our state parties are strong. We need
 [19] to make sure we've got the resources we need to
 [20] continue to operate here."
 [21] And this year we're probably going to have
 [22] a lot of folks in the governor races. There are 27
 [23] governor races this year. So we are very focussed on

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[1] that as well.
 [2] Q Is there anything else you say to people
 [3] who you are soliciting for corporate giving?
 [4] A Sure. "We need your help."
 [5] "Please" is often the word I would use
 [6] and, yes, I tell them about the Regents program.
 [7] Q What do you tell them about the Regents
 [8] program?
 [9] A That we have two meetings or three meetings
 [10] a year.
 [11] Q What do you tell them about the meetings?
 [12] A They are fun times to get together and we
 [13] do fun things. You usually get a good meal out of

[14] it.
 [15] Q Do you mention who goes to the Regents
 [16] meeting?
 [17] A Not specifically.
 [18] I may give examples of people, but that's
 [19] not really part of what I talk about when I call
 [20] them.
 [21] If people are interested, it is like you
 [22] would send them information on it. So they would

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[1] have some of that information already.
 [2] Q If people who are thinking about joining
 [3] the Regents program know that they are going to
 [4] have
 [5] an opportunity to meet with federal and state
 [6] officials?
 [7] MR. BURCHFIELD: I object; form and
 [8] foundation.
 [9] THE WITNESS: I don't know what they would
 [10] know. You would have to ask them on that.
 [11] BY MR. MOGILNICKI:
 [12] Q Have you ever had a conversation with a
 [13] potential donor where the issue of access to federal
 [14] elected officials has come up?
 [15] A What do you mean by access?
 [16] Q I mean an opportunity to speak with a
 [17] federal elected official.
 [18] A Can you restate the question?
 [19] Q Sure.
 [20] You testified that you make solicitation
 [21] calls to potential members of the Regents program,
 [22] and you have described some of the things that come
 [23] up in those calls.

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[1] I'm asking you if the access of issue of
 [2] federal elected officials sometimes comes up in those
 [3] calls?
 [4] A If you mean by access do they get to go to
 [5] a dinner in which they get to hear someone a speak,
 [6] yes.
 [7] Q How about opportunities to not just listen
 [8] but to share views?
 [9] A If you mean to ask questions, there are
 [10] opportunities for people to ask questions in some
 [11] cases.
 [12] Q I'm not asking now about the substance of
 [13] the meetings but about what sorts of things come up
 [14] during a solicitation call?
 [15] A It doesn't come up.
 [16] Q The possibility of having access to federal
 [17] elected officials does not come up during the
 [18] solicitation call?
 [19] A No. If you mean by access the opportunity
 [20] to hear them speak or get their picture taken with
 [21] them, that does come up.
 [22] Q But speaking with them never comes up; is

Page 100

[1] that your testimony?
 [2] A Yes. Speaking - the opportunity to ask

[5] A I never seen a White House staff make a
[6] telephone call, heard of a White House make a
[7] telephone call, or heard of a White House staff make
[8] a telephone call for the Republican National
[9] Committee.

[10] Q Do Members of Congress raise money for
the
[11] National Republican Senatorial Committee?

[12] MR. BURCHFIELD: I object; foundation.

[13] THE WITNESS: I don't know. I think so,
[14] but that's not my kind of responsibility.

[15] BY MR. MOGILNICKI:

[16] Q What is the relationship between the RNC
[17] and the NRSC?

[18] MR. BURCHFIELD: I object; foundation.

[19] THE WITNESS: What do you mean by
[20] "relationship"?

[21] BY MR. MOGILNICKI:

[22] Q I'm asking you what the relationship is

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[1] between RNC and NRSC. In fact I don't think it's a
[2] hard word or objectionable question.

[3] A I don't know from a legal standpoint that
[4] there is an his official relationship, per se. They
[5] are focused on one thing. They are involved in their

[6] kind of deal, the Senate, as is indicated in the
[7] title. They have the Senate's staff, but they are
[8] also are involved in other campaigns as well.

[9] But we focus on the Senate, the House, the
[10] governors, the state legislators. Ours is kind of a
[11] broader umbrella is the best way to describe it.

[12] Q What is the focus of the NRSC?

[13] A You would have to ask them what their
[14] specific mission was. I'm not responsible for them;
[15] therefore, I don't know.

[16] Q Do you have any understanding what the
NRSC

[17] does?

[18] A The title indicates that part of their
[19] responsibility is the Senate. So I assume they are
[20] focused on helping elect Senators.

[21] Q Do you have someone at the NRSC with
whom

[22] you are in regular contact relating to the NRSC's

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[1] activities?

[2] A Sure.

[3] Q Who is that?

[4] A Mitch Bainwol.

[5] Q And when you make contact what do you
[6] discuss?

[7] A What's happening in individual races in the
[8] Senate. What's happening in the governor races, how
[9] state parties are doing, whether we have got the
[10] ground breaking. It's a multiple of effects.

[11] He like me, I would say - I don't want
[12] character him - he's a junkie, too.

[13] He's apt to see a poll on a race anywhere
[14] in the country and say, "Did you see this?"

[15] He's a friend of mine. So I talk to him a
[16] lot of things. I talk to him about whether or not
[17] his kid is doing well.

[18] I give him a lot of trouble because he
[19] wears bad shoes.

[20] Q Does the NRSC have purposes that aren't
[21] also purposes of RNC?

[22] A I don't know the answer to that question.

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[1] I don't have a list of what their purposes are. So I
[2] can't answer.

[3] Q Do you sitting here have any understanding
[4] of the purpose of the NRSC that's different from the
[5] purpose of the RNC?

[6] A In my opinion they are attempting to do a
[7] lot. They are attempting to do the same things that
[8] we do.

[9] Q How about the NRCC?

[10] A It would be the same.

[11] Q Does the NRCC focus on House races?

[12] A I think that's one of their focuses is
[13] House races, but they are also real anxious about
[14] state house races, too.

[15] Q So you are familiar with what they are
[16] anxious about over at the NRCC?

[17] A Of course, I am.

[18] The context for the answer is if there is a
[19] special election everyone in Washington is watching
[20] it. I don't care what race it is. So if you are in
[21] this business you are apt to pay attention.

[22] Q Is it only when there are special elections

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[1] you are familiar with what the NRCC is thinking of
[2] doing?

[3] A No. That I'm intimate involved in whether
[4] or not they are concerned about an individual race
[5] that is related to a state that would be based around
[6] specials. When you say specials, we are only talking
[7] about state races.

[8] Q What do you mean specials?

[9] A Special elections - somebody dies,
[10] retires, is appointed to something else. There is a
[11] special election call by the governor of an
[12] individual state to replace that vacancy.

[13] One will now occur potentially in Hawaii
[14] with the unfortunate death of a Congresswoman. I
[15] think she died this week.

[16] So it creates a vacancy, and filling the
[17] vacancy varies by state law.

[18] Q Is this a vacancy in the House of
[19] Representatives?

[20] A That's this one. It's a vacancy.

[21] Like, for example, if a governor comes into

[22] office and appoints a member of the state legislature

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[1] to her cabinet, then she creates a vacancy in the
[2] governor's office and there has to be a special
[3] election by law to fill that vacancy.

[4] Q Is your testimony that you confer with the

[3] \$20,000 to a national committee on any given - it's
[4] an per annual basis and, therefore, there would be
[5] state regulated dollars as well.

[6] Q And the \$250,000 would be mostly so-called
[7] soft money; is that your understanding?

[8] A It would be clearly, if you can only take
[9] \$20,000 in hard, then the majority would be state
[10] regulated dollars.

[11] Q Who is in charge of soliciting people to
[12] become members of the Regents program?

[13] A The finance director is in charge of the
[14] program in terms of the whole finance division, and
[15] there is a person who is in charge of the Regents
[16] program. We have a national finance chairman as
[17] well.

[18] Q Who is the person in charge of the Regents
[19] program?

[20] A Her name is Heather Patterson.

[21] Q And the finance director?

[22] A Bev - excuse me - Beverly Shay.

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[1] Q And the national finance chair?

[2] A It's right now Lewis Eisenberg.

[3] Q Does the finance director make calls to
[4] solicit contributions that would qualify the giver
[5] for the Regents program?

[6] A I think Bev probably makes solicitation
[7] calls.

[8] Q Do you make solicitation calls?

[9] A Yes.

[10] Q Is that just to Regents or do you call
[11] others as well?

[12] A I call others as well.

[13] Q Do you call people to join Team 100?

[14] A Yes.

[15] Q Do you call people to the join the Eagles
[16] program?

[17] A Yes.

[18] Q Do you call people to join the Chairman's
[19] Advisory Board?

[20] A Yes.

[21] Q Can you tell me how often you make calls to
[22] solicit for the Chairman's Advisory Board?

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[1] A I don't know. A couple times a year
[2] probably.

[3] Q A couple of calls a year or a couple of
[4] days?

[5] A No. A couple of times a year I will sit
[6] down and make a set of calls for him.

[7] Q And a staff member will hand you a list, I
[8] assume -

[9] A Mm-hmm.

[10] Q - that has the name, say, history of
[11] giving and some background, is that accurate?

[12] A Name, history of giving and the telephone
[13] number.

[14] Q How often do you make calls for the Regents
[15] program?

[16] A Probably, I would say more frequently.

[17] Probably, I would say 10 times a year. Maybe once a
[18] month. Between 10 and 12 times a year.

[19] Q Who briefs you or provides you with
[20] briefing materials when you are going to make calls
[21] for the Regents program?

[22] A Either Bev Shay or Heather Patterson.

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[1] Q Who else makes calls to potential members
[2] of the Regents?

[3] A The chairman.

[4] Q How often does the chairman make calls to
[5] potential Regents?

[6] A He probably does it once a month there.

[7] In other words, for a specific - I want to
[8] make sure I'm extremely clear - for a specific time
[9] when you sit down and spend some period of time
[10] doing

[11] it, there may be other instances where you make an
[12] individual call, but when someone hands you a call
[13] sheet and says, "Can you make this call" or "Can you
[14] close this call," that's different than specific
[15] calling time, but I would say probably once a month.

[16] Q Are you sometimes brought in to essentially
[17] close the contribution to get someone over the last
[18] hurdle between NRC -

[19] A There are cases in which I make calls that
[20] would be the final call.

[21] Q Is the chairman sometimes brought in to be
[22] the final call?

[22] A Sure. He usually calls more in a thank you

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[1] mode, though, to call and thank them. I would say he
[2] pay frequently - I'm trying to think - the other

[3] thing I want to make sure is it fluctuates, because
[4] like now I make less calls than earlier in the year
[5] because I'm traveling more.

[6] So, it really isn't a pattern in this
[7] instance. I'm trying to give you a broad spectrum
[8] overview.

[9] Q Do federal elected officials ever make
[10] calls to solicit contributions to the RNC?

[11] A Ever?

[12] Q Yes.

[13] A I would say that if that happens it would
[14] be the rarity or the exception.

[15] I cannot remember - I'm trying to think of
[16] the last time I have seen a member make a call. I
[17] literally cannot remember the last time I've seen a
[18] member call on behalf of the RNC. But I'm sure it
[19] happened. I don't want to say never.

[20] Q Do members of the administration make
[21] calls?

[22] A No. Never.

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[1] Q Don Evans never makes calls?

[2] A Never.

[3] Q And that applies to the White House staff
[4] as well?

[1] Action League?

[2] A Well, it's an association of 50 different
[3] state parties. It's a broader umbrella. It's not
[4] single-issue focused.

[5] Both of those issues may be involved in the
[6] debate over something. It's broader in the sense of
[7] its purpose and its function.

[8] Q How, then, is the RNC different from a
[9] group like the Chamber of Commerce or the National
[10] Organization of Women, which also have a variety of
[11] issues on their agendas?

[12] A I don't know what their legal structure is
[13] or how they are set up. I don't know if they have \$0
[14] state, different operations that are impacted in 50
[15] different ways in each state.

[16] I don't know the answer about that
[17] question. I don't know enough about either of those
[18] organizations to tell you.

[19] Q Another way of asking this is: Do you
[20] think political parties are unique in the American
[21] political landscape?

[22] A Yes.

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[1] Q Why is that?

[2] A Because they have a broader focus, they are
[3] long term, and they do things at multiple levels,
[4] local, state and national.

[5] Q Are there any other distinctions that come
[6] to mind?

[7] A No. I'm sure there are, but I never really
[8] thought about the difference between the two.

[9] Q What is the mission of the state party?

[10] A I've never been the chairman of a state
[11] party.

[12] But my understanding of the mission of the
[13] state party would be to elect candidates up and down
[14] the ballot that represent their state in one form or
[15] another and to be involved in the debate over ideas
[16] and issues both at a local, state and national level
[17] based around its impact on their individual states as
[18] well as the overall scheme of things.

[19] Q When you say up and down the ballot you
[20] mean state, local and federal candidates?

[21] A Sure. Who represents you in Congress from
[22] the state still affects the state. So, yes.

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[1] Q What are your responsibilities as deputy
[2] chairman of the RNC?

[3] A I'm involved in running the day-to-day
[4] operations of the national party.

[5] Q Do you fund raise?

[6] A I do. I'm involved, but that's not my
[7] primary function. Clearly I fund raise.

[8] Q What do you do to assist with fundraising?

[9] A I encourage the staff to make the budget.
[10] I review the direct mail fundraising letters that go
[11] out. I participate in events to raise money for the
[12] national committee. I solicit people as well.

[13] Q Would you tell me more about soliciting

[14] people for contributions?

[15] A As I said I sign direct mail appeals. So
[16] that's solicitation.

[17] I sometimes will solicit for a candidate,

[18] too. Does that make sense? Like there is a

[19] candidate running for something. I may send a letter
[20] on his or her behalf.

[21] I may do something like that, make

[22] telephone calls encouraging people to come,

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[1] soliciting in that role.

[2] Q I understand there are a variety of major
[3] donors programs at the RNC?

[4] A Yes.

[5] Q Can you sort of walk me through how much
[6] money is involved at each level?

[7] A There are multiple levels.

[8] The highest one in terms of dollar amount
[9] would be the Regents program, and that's \$250,000
[10] every two years.

[11] We have a program called Team 100, which is
[12] \$100,000 for the first year and then \$25,000 for the
[13] next three.

[14] We have an Eagles program. That's \$15,000
[15] per year.

[16] We have a program called CAB, which is
[17] 5,000 per year.

[18] Q What does CAB stand for?

[19] A I think it's Chairman's Advisory Board.

[20] Then we have a lot of programs that are at
[21] the \$1,000 level. We have a program at the \$250
[22] level. We have a program at the \$100 level and a

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[1] program at the \$25 level.

[2] Q Are you familiar with the distinction
[3] between so-called hard money and so-called soft
[4] money?

[5] A Would you define what you mean by soft
[6] money, please?

[7] Q Let me ask you if you have an understanding
[8] of what soft money is?

[9] A Do you mean money that's regulated by
[10] states.

[11] Q Is that your understanding what soft money
[12] is?

[13] A Yes.

[14] Q What's your understanding what hard money
[15] is?

[16] A Hard money is money that's regulated by the
[17] Federal Election Commission as set forth in the law.

[18] Q When someone gives \$250,000 and becomes
[19] a

[19] member of the Regents program, are they given soft
[20] money or hard money?

[21] A A combination -

[22] Q How much of their -

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[1] A - or, I mean, the law doesn't allow an
[2] individual to give more than an aggregate limit of

[1] practice that has happened in the past between the
 [2] national committee and the state committee.
 [3] Q Did Governor Bush or now Vice President
 [4] Cheney assist state parties in raising funds during
 [5] the general campaign?
 [6] A Assist meaning what?
 [7] Q Attend events for state parties.
 [8] A Yes.
 [9] Q Did they sign fundraising letters for state
 [10] parties during the 2000 general election campaign?
 [11] A I think so. I think we did.
 [12] Q Do you recall just roughly how many times
 [13] Governor Bush sought to raise funds for a state party
 [14] during the 2000 campaign?
 [15] A I don't have the exact number. I don't
 [16] know.
 [17] Q Was it a half dozen?
 [18] A No. It was more than that.
 [19] Q Two dozen?
 [20] A Let's see. How many weeks is the general
 [21] election? I don't remember the exact number. We
 [22] were on the road. It was something we were doing.

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[1] Q What was your next position after the 2000
 [2] general election campaign?
 [3] A After we got through the inaugural, and
 [4] that stuff, I went to work for the RNC. I went to
 [5] the RNC.
 [6] Q Can you describe briefly your
 [7] responsibilities during transition between the
 [8] general election and the inaugural?
 [9] A We were doing the close down, kind of
 [10] finishing off - what do you recall it? I don't know
 [11] the exact term. Wind down is the exact term. So I
 [12] was a little bit involved in that.
 [13] We ended sometime in December, and there
 [14] was not even a month. I was moving and relocated my
 [15] life, which took a tremendous amount of my time.
 [16] I was involved to the extent I was also
 [17] continuing to talk to people involved in the campaign
 [18] and people that had helped us. It stopped existing
 [19] in terms of that.
 [20] But I didn't have any specific kind of
 [21] responsibility except to get ready to come up here
 [22] and do my duty at the RNC.

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[1] Q What position did you take with the RNC?
 [2] A Deputy chairman.
 [3] Q Who offered you that job?
 [4] A Governor Jim Gilmore who was the
 chairman.
 [5] It was offered to me subsequent to his election,
 [6] which I think was January 22 or 21.
 [7] MR. JOSEFIK: The 19th.
 [8] THE WITNESS: That's probably the wrong
 [9] day. Whatever day it was.
 [10] MR. MOGILNICKI: That's fine.
 [11] THE WITNESS: I remember I got in trouble
 [12] on that. It's something I will never forget.

[13] (Laughter.)
 [14] MR. MOGILNICKI: What was that?
 [15] THE WITNESS: I called someone governor
 and
 [16] his name wasn't governor anymore. I remember that
 [17] very distinctly.
 [18] MR. MOGILNICKI: I will let that go.
 [19] THE WITNESS: Yes, let that one go. It's
 [20] nothing. It's kind of a funny story.
 [21] MR. MOGILNICKI: Maybe I will hear it.
 [22] BY MR. MOGILNICKI:

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[1] Q Who recommended that you be deputy
 chairman
 [2] of the RNC?
 [3] A I don't know the answer. I assume maybe
 [4] Carl, maybe Don.
 [5] Q You have no idea?
 [6] A I mean, I would assume all of them at the
 [7] RNC. I assume I was recommended.
 [8] Q What would you say is the mission of the
 [9] RNC?
 [10] A I would say the mission of the RNC is -
 [11] that's a great question - it's multiple. It has
 [12] multiple functions and multiple purposes.
 [13] It is a party that is based around an idea
 [14] and a set of ideas that has short-term and long-term
 [15] pieces to it.
 [16] It's involved in the debate over issues.
 [17] It's involved in campaigning and campaigns for
 [18] candidates.
 [19] It's involved in the growth as an
 [20] association of like-minded people who want to
 [21] influence - I call it change the world.
 [22] So it really has kind of three different

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[1] callings, functions, missions, the overriding mission
 [2] being to affect the debate on issues we believe in.
 [3] I need to use the bathroom, okay?
 [4] MR. BURCHFIELD: I think that's probably
 [5] important.
 [6] MR. MOGILNICKI: Let's go off the record.
 [7] (Recessed at 10:01 a.m.)
 [8] (Reconvened at 10:10 a.m.)
 [9] MR. MOGILNICKI: We're back from a short
 [10] break.
 [11] Jack, you just finished describing the
 [12] mission of the RNC.
 [13] Are you done with that answer?
 [14] THE WITNESS: No.
 [15] Can you read it back?
 [16] (The reporter read the record as requested.).
 [17] BY MR. MOGILNICKI:
 [18] Q Would you like to add to that answer?
 [19] A No. That's fine.
 [20] Q How does the national political party like
 [21] the RNC different from a group like the National
 [22] Rifle Association or the National Abortion Rights

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[2] foundation.
 [3] THE WITNESS: In the area specifically of
 [4] finance, which I was responsible for, we did have a
 [5] few shared consultants, but they went working for the
 [6] Bush-Cheney campaign more than they were just
 RNC,

[7] but they had previously been consultants for the
 [8] campaign.

[9] BY MR. MOGILNICKI:

[10] Q Were there people who were consultants to
 [11] the RNC who were also consultants to other
 candidates

[12] in this election cycle?

[13] A I assume so. I don't know.

[14] Q Did the state parties and the RNC exchange
 [15] polling data during the 2000 general election
 [16] campaign?

[17] A Polling data on what?

[18] Q On the campaign.

[19] A Which campaign? I'm not trying be to
 [20] argumentative. Which campaign?

[21] Q Any campaign.

[22] A I don't know. I wasn't involved in the

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[1] polling piece of this. I would assume so. I don't
 [2] know. It's public information. If it's good it's
 [3] public information.

[4] Q State parties do polls, right?

[5] A Yes.

[6] Q And a state party poll sometimes include
 [7] the presidential election as one of the races that
 [8] they are polling about; is that right?

[9] MR. BURCHFIELD: I object; foundation.

[10] THE WITNESS: I don't know. I wasn't in
 [11] charge of the state parties.

[12] BY MR. MOGILNICKI:

[13] Q So you have no idea whether or not the
 [14] state parties when they did polls included the
 [15] presidential race in the poll?

[16] A I'm sure they did. But we had our
 [17] polling. We did our own polling. The Bush-Cheney
 [18] campaign did its own polling.

[19] Q Did the Bush-Cheney campaign polling
 [20] include lower ballot races?

[21] A I don't know the answer to that question
 [22] because I wasn't in charge of the polling, but I know

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[1] we did do our own polling.

[2] Q And you were not provided with poll data
 [3] during the 2000 campaign?

[4] A Oh, sure, absolutely, but I got the poll
 [5] data from the Bush-Cheney numbers that we got
 from

[6] our polling it. Those are the ones I looked at.

[7] Q Do you know if those results that you
 [8] looked at included down-ballot races?

[9] A The part that I looked at which was paid
 [10] for, I think, by Bush-Cheney was just Bush-Cheney.

[11] Q And you never saw -

[12] A I didn't have access to the entire,
 [13] whatever, I didn't have - what do you call that? -
 [14] the stuff behind it. All I had was the top line.
 [15] That's all I had.

[16] I saw polling in the other raises, of
 [17] course.

[18] Q How would you get polling in other races?

[19] A If you read the hotline there's about 15
 [20] pages of polling every day.

[21] Q How about non-public polling?

[22] A I probably saw other non-public polling on

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[1] other races. I'm sure I did. I mean, I'm a junkie
 [2] for that stuff, so I pay attention.

[3] Q Sure. That's why I was asking. I'm
 [4] assuming you saw state parties' poll results during
 [5] the 2000 general election.

[6] A I'm sure I did. I'm sure there's an
 [7] instance that you can find that I saw state party
 [8] polling, but it was not a matter of regular
 [9] practice.

[10] There was an Internet site - what the hell
 [11] was the name of that? One of them, if you gave them
 [12] the wrong one it was not a site you wanted to send
 [13] people to.

[14] It was like World versus Net. But I'm
 [15] trying to remember.

[16] There was some public site that like
 [17] literally took every poll that was public in the
 [18] nation by state, by race, and that was one of the two
 [19] things I would look at in the morning when I got to
 [20] work.

[21] Q Would you look at data other than the
 [22] Bush-Cheney data?

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[1] A Oh, absolutely.

[2] Q Why?

[3] A Why? Because I'm a junkie. It's what I do
 [4] for a living.

[5] I mean, it's just the same you if you read
 [6] a bar publication, or maybe you don't. When doctors
 [7] reads a medical journal, they don't just read about
 [8] one piece of the body because what happens in the
 [9] whole body affects the whole body.

[10] Q So what happens on down-ballot races might
 [11] affect the Bush-Cheney ticket?

[12] A Absolutely.

[13] Q And what happens to the Bush-Cheney
 might

[14] affect down-ballot races?

[15] A It goes both ways.

[16] Q Let me ask you about fundraising where you
 [17] did have specific responsibilities.

[18] Do you remember the RNC sharing donor lists
 [19] with the state parties during the 2000 general
 [20] election?

[21] A I think the answer is yes. I don't

[22] remember seeing the forms, but I know that it's a

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[6] Q Can you tell me what you mean by the phrase

[7] "issue ad"?

[8] A It's an advertising that discusses a specific issue.

[10] Q I assume, though, that the Bush-Cheney ads discussed issues; is that fair?

[11] A The Bush-Cheney television ad run by the campaign?

[14] Q Yes.

[15] A Clearly, I think they probably discussed the issues in connection with advocating vote for President Bush.

[18] Q When you use the phrase "issue ad," do you mean something different from the ads run by the Bush campaign that discussed issues?

[21] A Yes.

[22] Q So what do you mean by an issue ad?

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[1] A I mean an advertising based on an issue not around the advocacy or defeat of another candidate.

[4] Q The Bush-Cheney ads mentioned issues, that's correct, isn't it?

[6] A Yes.

[7] Q And then would you agree there is possible to describe an issue in a way that favors a particular candidate?

[10] A It depends on who you are talking to.

[11] Q In what circumstances would an ad about an issue influence a voter to vote for a particular presidential campaign?

[14] A Restate the question, please.

[15] Q When you said it depends who you are talking to. So I'm trying to understand whether you think an ad can discuss an issue in a way that benefits a presidential campaign?

[19] MR. BURCHFIELD: I object to form.

[20] THE WITNESS: Issue ads discuss issues.

[21] Issues affect political debate in the country.

[22] That's part of what's happening right now.

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[1] And I would hope that the debate about issues would make people think very carefully about the impact that the issues have on their everyday life.

[5] BY MR. MOGILNICKI:

[6] Q Thank you, but that doesn't get to the issue I'm asking about, which is this: The Bush-Cheney official campaign ads mentioned issues, that's correct, right?

[10] A In some cases, yes; in some cases, no.

[11] Q And I'm asking is it possible to discuss an issue in a way that would incline a voter to vote for a particular presidential candidate?

[14] MR. BURCHFIELD: Read that question back, please.

[16] (The reporter read the record as requested.)

[17] MR. BURCHFIELD: I object; calls for speculation.

[19] THE WITNESS: It's a matter of opinion.

[20] BY MR. MOGILNICKI:

[21] Q What's your opinion?

[22] A I think it possibly could.

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[1] Q Was there any effort to make sure that the RNC issue ads struck themes that were consistent with

[3] the presidential campaign's themes?

[4] A I don't know whether they did or not. You could watch the ads and go from there, but I don't know the answer.

[7] Q You have no idea?

[8] A I mean, if you watch both of them I'm sure some of the theme ads are the same. But your question is are they specific, and I don't know the answer to that.

[12] Q If the themes were the same, would it be coincidence or would it reflect consultation between RNC and the Bush-Cheney campaign?

[15] A Advertising that the Republican National Committee did was based around issues, some of which,

[17] I'm sure, were being debated in the presidential campaign.

[19] The president's position on these issues were not a mystery to anybody who was watching in terms he was trying to have people know at the campaign what he was running for.

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[1] So I would assume that those issues could be discussed and would have been discussed.

[3] Q Would have been discussed in the issue ads?

[5] A No. If you watched the television ads and you paid attention to what you read in the newspapers

[7] you would know what issues were being discussed during that time period or if you watched what was happening in Congress.

[10] Q Was there any effort at the RNC to make sure that the theme struck by the so-called issue ads were consistent with the themes being struck by the Bush-Cheney campaign?

[14] A You would have to ask the people who were producing the ads. I don't know. I wasn't producing the ads at the time.

[17] Q So you have no idea?

[18] A I don't know if they were specific.

[19] Q Did the RNC and the Bush-Cheney campaign

[20] have consultants in common people like you who were

[21] working for both the RNC and for the Bush-Cheney campaign?

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[1] MR. BURCHFIELD: I object to form and

[7] were traveling on behalf of a state or the national
 [8] party the entire ticket would be with us at events.
 [9] Q What I'm trying to understand is whether
 [10] the governor ever went out of his way to help a state
 [11] or local candidate to travel to some location other
 [12] than his campaign staff might have recommended.
 [13] A West Virginia. Our friend Cecil Underwood
 [14] was the Governor of West Virginia at the time.
 [15] Q And Governor Bush traveled to West
 [16] Virginia
 [17] in order to assist the Underwood campaign?
 [18] A We went there to help the entire ticket,
 [19] and Cecil eventually lost unfortunately in a tough
 [20] race.
 [21] Q By the entire ticket do you mean from the
 [22] Court House to the White House?

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[1] the White House.
 [2] Q Did you play any role in the general
 [3] campaign in 2000 in decisions to broadcast
 [4] advertisements?
 [5] A Can you clarify what you mean?
 [6] Q Sure. I'm trying to understand if you
 [7] touched upon a set of issues relating to what ads to
 [8] broadcast and where to broadcast them.
 [9] I'm not clear on whether your various job
 [10] responsibilities would have led you to have some
 [11] involvement in those issues.
 [12] A By broadcast advertising you mean what?
 [13] Q TV ads.
 [14] A TV ads?
 [15] Q Yes.
 [16] A There were instances in which I touched
 [17] them, but influence is probably too strong a term.
 [18] Q How did you touch them?
 [19] A I would say I happen to see the spots or
 [20] something if I would happen to see a spot that Mark
 [21] did or had been done prior to it going out.
 [22] Q Who is Mark?

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[1] A Mark McKenney. He was a television
 [2] promotion guy.
 [3] Q Did McKenney do any ads for any
 [4] candidates
 [5] in 2000 other than Bush-Cheney?
 [6] A I don't think so. You would have to ask
 [7] him. I don't know the answer to that question.
 [8] Q Did you ever see ads that were to be run by
 [9] the RNC in the 2000 general election?
 [10] MR. BURCHFIELD: Object to the form.
 [11] And, Eric, as you know there were a lot of
 [12] different types of ads here.
 [13] Are you talking about the coordinated
 [14] advertising, issue advertising, or some thing else?
 [15] MR. MOGILNICKI: I think he can answer the
 [16] question I asked.
 [17] THE WITNESS: What specifically are you
 [18] asking me?

[18] BY MR. MOGILNICKI:
 [19] Q I'm asking if you saw any ads that were run
 [20] by the RNC in the 2000 campaign?
 [21] A What kind of ads?
 [22] Q Any ads would include all kinds of ads.

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[1] You can answer my question.
 [2] A I saw advertising that was run in a
 [3] coordinated expenditure in the 2000 election cycle.
 [4] Q Would you explain what a coordinated
 [5] expenditure is?
 [6] A The federal election law allows both
 [7] national parties to expend a certain amount of
 [8] resources based upon population.
 [9] The formula set by the Federal Election
 [10] Commission is roughly - I don't have the exact
 [11] numbers so I'm sorry - but it's roughly \$14 million
 [12] in the 2000 election cycle, all federal dollars
 [13] raised at the RNC and the DNC, but it is produced
 [14] for
 [15] the campaign or done for the campaign and the
 [16] disclaimer is such that indicates who it is paid for
 [17] and that it is authorized by as part of that. That's
 [18] called coordinated. It's a coordinated expenditure.
 [19] Q So that would the disclaimer in 2000 have
 [20] sounded like?
 [21] A On?
 [22] Q On these coordinated expenditures.
 [23] A I'm probably wrong on this - you'd

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[1] probably have to ask the lawyer - but I think it was
 [2] probably paid for by Republican National Committee,
 [3] federal account maybe, authorized by Bush-Cheney.
 [4] But I could be wrong in the wording.
 [5] Q Okay. That's fine.
 [6] A But that's a formula set by law.
 [7] Q Were there other ads that you saw relating
 [8] to the Bush-Cheney campaign in 2000?
 [9] A There were other advertisements I saw that
 [10] related to issues.
 [11] Q Okay. What issue advertising did you see
 [12] in the general campaign in 2000?
 [13] A I saw some different issue ads that were
 [14] run during the year 2000.
 [15] Q Where did you see them?
 [16] A I think I probably saw them both - I may
 [17] have seen them one at the Republican National
 [18] Committee, and I also saw them at the campaign as
 [19] well as.
 [20] Q Who produced those issue ads?
 [21] A I think National Media, but I'm not sure.
 [22] Q Is National Media Mark McKinney's
 [23] company?

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[1] A No.
 [2] Q So what is National media?
 [3] A It's another television TV advertising.
 [4] Q It's in the business of producing TV ads?
 [5] A Yes.

[12] sure, we had opinions on where there should be
 [13] resources to help state parties, absolutely.
 [14] Q I assume that the Bush-Cheney campaign
 had
 [15] opinions about where money would be well spent to
 [16] influence the election for president; that's got to
 [17] be right?
 [18] A What do you mean by the word "influence."
 [19] Q There were states that the Bush-Cheney
 [20] staff had identified as being important states in
 [21] which the Bush-Cheney staff thought resources
 should
 [22] be allocated in order to help the Bush-Cheney

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[1] campaign?
 [2] A Resources would be allocated to state
 [3] parties to help the entire ticket so that may have
 [4] had the effect in some places of helping the
 [5] Bush-Cheney campaign. It would help the entire
 [6] ticket. That was the purpose of it.
 [7] Q I assume that the Bush-Cheney staff was
 [8] first and foremost interested in electing
 [9] Bush-Cheney; is that fair to say?
 [10] A I think that was a top priority.
 [11] Q With that as their top priority, did they
 [12] make recommendations to the RNC about where the
 RNC
 [13] should be transferring money to state parties?
 [14] A I'm sure opinions were expressed as to
 [15] where there were key places. I'm sure opinions were
 [16] expressed.
 [17] Q Were you present when opinions were
 [18] expressed?
 [19] A I think I was probably present at some. I
 [20] don't remember the specific dates, or anything like
 [21] that. Sure, I was. Pennsylvania is an important
 [22] state. Sure, absolutely.

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[1] Q When opinions were expressed to the RNC
 [2] about which states the Bush-Cheney campaign
 thought
 [3] were important to Bush-Cheney, did the RNC take
 [4] actions to assist the Bush-Cheney ticket?
 [5] A I wasn't in charge of the Republican
 [6] National Committee. So I can't answer whether or
 not
 [7] that was the case.
 [8] Q You have no idea whether the RNC staff
 [9] sometimes followed the recommendations of the
 [10] Bush-Cheney staff about where to transfer money?
 [11] A No. As I said earlier, opinions expressed
 [12] were paid attention to, but wasn't a situation such
 [13] that I tracked ever aspect of that.
 [14] Q Who would be knowledgeable about that?
 [15] A You would have to ask people who were at
 [16] the RNC at the time.
 [17] Q Who would you recommend we speak to if
 we
 [18] want to know more about this issue?

[19] A Tom.
 [20] Q Tom Josefiak?
 [21] A Yes. He was there at the time.
 [22] Q Well, Tom knows everything. We will

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[1] stipulate to that.
 [2] Is there anyone else?
 [3] MR. BURCHFIELD: Everything worth
 knowing.
 [4] (Laughter.)
 [5] MR. MOGILNICKI: Let the record reflect the
 [6] laughter.
 [7] THE WITNESS: Probably the person who was
 [8] the chief of staff at the time maybe would be a good
 [9] person for you to talk to.
 [10] BY MR. MOGILNICKI:
 [11] Q What is that person's name?
 [12] A Tom Cole.
 [13] Q I think you mentioned earlier that the RNC
 [14] staff and the Bush-Cheney staff would coordinate on
 [15] where the governor traveled; is that correct?
 [16] A I didn't say.
 [17] Q All right. Please tell me what
 [18] coordination, if any, there was between the RNC staff
 [19] and the Bush-Cheney staff with regard to the
 [20] governor's travel schedule?
 [21] A I think it was more on an informational
 [22] basis.

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[1] Q Who controlled the governor's schedule?
 [2] A The campaign.
 [3] Q And did the RNC staff ever seek to
 [4] influence that schedule?
 [5] A Yes.
 [6] Q Were they ever successful in influencing
 [7] that schedule?
 [8] A Yes.
 [9] Q Do you know what considerations would
 lead
 [10] the RNC staff to influence the governor's travel
 [11] schedule?
 [12] A I think it was probably multiple. They had
 [13] event they wanted him to attend. They wanted him to
 [14] come to the RNC meeting and talk to RNC members.
 [15] They probably had a lot of ideas of places
 [16] that would be good. It wasn't necessarily followed,
 [17] but clearly there were things that we did as a
 [18] campaign that the RNC had recommended.
 [19] Q Did the governor ever travel to a location
 [20] in order to assist a state or local candidate with
 [21] their own election?
 [22] A Yes. The one that comes to my memory is

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[1] the Mike Parker race in '99.
 [2] Q Who is Mike Parker?
 [3] A He was a candidate for Governor of
 [4] Mississippi.
 [5] Q How about 2000?
 [6] A Everywhere when we were traveling if we

[14] staff and Bush-Cheney staff would get together to
 [15] talk about the 2000 campaign?
 [16] A Sure.
 [17] Q Who would convene a meeting like that?
 [18] A It depends on what topic you would be
 [19] discussing.
 [20] Q What are some examples of topics that
 would
 [21] be discussed at a meeting between the RNC staff and
 [22] the Bush-Cheney staff?

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[1] A Political travel. Politics would probably
 [2] be one realm. The convention would be a realm and
 [3] travel for the presidency of the then-governor.
 [4] Q Would fundraising be another subject on
 [5] which the RNC and the Bush-Cheney staffs would
 [6] confer?
 [7] A That would not be something that was
 [8] regularly part because there wasn't a fundraising at
 [9] the Bush-Cheney effort, attorney general election.
 [10] You don't raise money in a general election.
 [11] Q Why is that?
 [12] A Because it is what the law indicates. You
 [13] are not allowed to take a \$1,000 in a primary. If
 [14] you agree to take the general election money from the
 [15] Federal Government you are not allowed to solicit for
 [16] that campaign.
 [17] Q When the RNC and Bush-Cheney folks
 would
 [18] meet and talk about political travel and politics -
 [19] A Mm-hmm.
 [20] Q - can you describe a little more about the
 [21] types of conversations those meetings would involve?
 [22] A I wasn't a regular participant in those

Page 52

[1] meetings.
 [2] Q Why not?
 [3] A I didn't sit in all of the political
 [4] meetings. It wasn't my responsibility.
 [5] Q Did you sit in on some?
 [6] A I sat in on some. I did sit in on some.
 [7] Q Can you tell me about the sorts of issues
 [8] that were discussed?
 [9] A Sure. Where is the governor going to go?
 [10] Can we make sure that he goes to Pittsburgh instead
 [11] of Philadelphia. We need to get into the Pittsburgh
 [12] market.
 [13] The chairman of the state party Y is upset
 [14] because they didn't get called in advance of the
 [15] governor coming in.
 [16] I'm trying to think of some of these phone
 [17] conversations.
 [18] We were worried about not being in a market
 [19] enough, not having enough exposure in a market.
 [20] And then, of course, the RNC political team
 [21] and the Bush team would be involved in how are we
 [22] working together making sure we do everything we
 can

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[1] for candidate X or candidate Y during the state party
 [2] efforts and doing initial payments.
 [3] Q I'm sorry.
 [4] A What?
 [5] Q I didn't hear what you said.
 [6] A I thought you were asking me a question. I
 [7] said "what?"
 [8] Q Did the RNC and the Bush-Cheney staffs try
 [9] to identify key states for the general election?
 [10] A If you are asking me key states for what?
 [11] Q For the presidential and vice presidential
 [12] campaigns.
 [13] A I don't remember being in a meeting where
 [14] we had a specific conversation in which state X was
 [15] determined to be critical and state Y was not.
 [16] It was not a hard thing to figure out if
 [17] you picked up the newspaper and figured out what
 the
 [18] then-governor was going. It was say pretty much
 [19] obvious where we were trying to target.
 [20] Q So the governor's travel would be a good
 [21] indication of which states were considered to be key?
 [22] A That would be one of them. You know,

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[1] time. Time is a good.
 [2] But I'm sure we had targeting discussions
 [3] in terms of making sure that we were focused on the
 [4] right places.
 [5] Q How about RNC transfers to state parties?
 [6] Would that be a good indication of which states the
 [7] Bush-Cheney folks wanted the party to focus on?
 [8] A No. I would say no, because we didn't
 [9] control that. So I mean the RNC was involved in a
 [10] lot of things during that time period. So I would
 [11] say probably no.
 [12] Q Did the Bush-Cheney staff have any
 [13] influence on which states would receive transfers of
 [14] money from the RNC during the 2000 general
 election?
 [15] A We had opinions. I'm sure there were
 [16] opinions voiced, but I'm not sure that would be
 [17] deemed influence.
 [18] Q Did you share your opinions with the RNC
 [19] staff?
 [20] A Yes. I think the answer is yes
 [21] definitely. I mean of course we shared our
 [22] opinions.

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[1] Q Did the RNC take courses of action that
 [2] were consistent with your opinions?
 [3] A I think in some cases, yes, but I have not
 [4] gone back and reviewed that.
 [5] Q I assume that time was a matter of a some
 [6] importance -
 [7] A Oh, sure.
 [8] Q - where resources were going to be
 [9] allocated; is that fair?
 [10] A Where resources were going to be allocated
 [11] to help the entire ticket. We were very focused and,

[15] president and had a ticket, but there's a bunch of
[16] other races up and down the ballot in a lot of
[17] different states. The responsibility was for the
[18] entire ticket.

[19] Q Let me ask it a different way: Did you do
[20] anything in the RNC that would not in one way or
[21] another help the presidential ticket?

[22] A That's a matter of opinion. The goal would

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[1] not be to hurt the top of the ticket. That would be
[2] contrary to the goal. It would be bad for everyone
[3] on the ticket.

[4] So the answer would be we did not try to do
[5] anything to hurt anyone on the ticket that would be
[6] contrary to what we wanted to be.

[7] Q Did you do anything as a consultant to the
[8] RNC that helped a specific local candidate and that
[9] in your view would have no effect on the

Bush-Cheney

[10] ticket?

[11] A You are asking me for a matter of opinion.
[12] You are not asking me for a fact.

[13] In my opinion we probably did things that
[14] were 99 percent helpful to one candidate and 90
[15] percent to one candidate, but it helped the entire
[16] ticket, whether that was doing stuff for a governor's
[17] race or an attorney general's race.

[18] If you helped turn Republicans out to vote
[19] it's going to help everybody on the ticket most
[20] likely.

[21] Q Did you spend time on any events that were
[22] focused on a gubernatorial or attorney general

Page 47

[1] candidate during the general campaign in 2000?

[2] A Everything we were doing was victory
[3] related. So, the answer is, yes, we spent a lot of
[4] time on helping gubernatorial and attorney general
[5] candidates. It was for the entire ticket.

[6] Q Can you describe one thing you did that
[7] benefited a gubernatorial campaign or attorney
[8] general candidate specifically during this time
[9] period?

[10] A Yes.

[11] There were multiple governors and attorneys
[12] general on the ballot all across the country and
[13] states and us making sure the Republican Party at the
[14] national level and state level was strong.

[15] We specifically helped multiple governors
[16] and attorneys general.

[17] Q Is there anything else you remember as a
[18] specific example of an action you took during the
[19] general campaign in 2000 that was designed to help a
[20] gubernatorial or attorney general candidate?

[21] A Everything I did was to help attorney
[22] general and gubernatorial candidates.

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[1] Q Would you say everything you did was also
[2] designed to help the Bush-Cheney ticket?

[3] A Everything I did was desired to help the

[4] Republican Party during that time period. So, yes,
[5] it would help. It usually would have the effect of
[6] also helping people who were on the ballot at that
[7] time.

[8] Q How did you divide your time between your
[9] work as a consultant for the RNC and your work for
[10] Bush-Cheney 2000?

[11] A Probably 50-50. I did never sit down and
[12] figure out what percentage was what. I would
[13] guesstimate 50-50.

[14] Q Did you have two separate offices?

[15] A No. The Republican National Committee is
[16] located here. So there were times I was here working
[17] on Republican National Committee events up here,
and

[18] there were times I did didn't But I did Republican
[19] National Committee and stuff in the states as well.

[20] Q Did you do Bush-Cheney stuff while you
were

[21] in the RNC offices?

[22] A I don't remember specifically whether I

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[1] ever did a Bush-Cheney thing in the RNC offices, but
[2] I'm sure I did.

[3] If we were going to some event or something
[4] that the then-governor was going to be at, I probably
[5] did that at times when I was in the RNC office.

[6] Q When you called people would you say, "I'm
[7] calling you now in my capacity as a consultant for
[8] the RNC," or would you simply call people during this
[9] period?

[10] A I would call people in my capacity as a
[11] consultant for the Republican National Committee.

[12] Q Did you always make clear in each and every
[13] phone call in 2000 that you were calling in one
[14] capacity or the other?

[15] A At which time period are you talking
[16] about?

[17] Q Let me try to be clear. During the general
[18] election period you had two sets of responsibilities,
[19] as I understand it, one to the RNC and one to
[20] Bush-Cheney 2000; is that correct?

[21] A Yes, sir.

[22] Q How would people know when you called
them

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[1] which capacity you were acting in?

[2] A I would indicate to them why I was calling
[3] them.

[4] Q Would you tell them which capacity you were
[5] acting in?

[6] A It would be my - I can't remember every
[7] conversation I had in that time period, but, yes,
[8] that would be my standard practice to say: "Listen.
[9] I'm calling. I've got my RNC hat on." That's
[10] usually how I would describe it.

[11] Q That was your practice?

[12] A That was my standard practice.

[13] Q Were there regular meetings whereby RNC

[16] portion of it that wasn't spent.

[17] A It was outside my responsibility, but I
[18] think it became part of Bush for President. It moved
[19] over.

[20] Q Can you describe your duties as finance
[21] director of the Bush for President? What is the
[22] right title? Is it Bush for President? Is that what

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[1] I should be calling that campaign committee?

[2] A Bush for President, yes, I think that was
[3] to official title of the primary campaign.

[4] Q Let's talk about the primary campaign and
[5] then we will talk about the general a little bit
[6] later.

[7] What were your duties as finance director
[8] for the Bush for President campaign?

[9] A I was responsible for raising resources and
[10] overseeing the finance operation.

[11] Q Who did you report to?

[12] A The finance chairman for the campaign.

[13] Q Was that still Mr. Evans?

[14] A Yes, sir.

[15] Q Who reported to you?

[16] A There were approximately 12 to 15 people.

[17] Q How were they organized?

[18] A By regions of the country.

[19] Q What kinds of backgrounds did those people
[20] have?

[21] A I believe some of them had been involved in
[22] finances before. Some of them were young kids who

Page 42

[1] just wanted to get involved. This was their first
[2] job.

[3] Q Would you describe during the primary
[4] campaign the extent to which you coordinated your
[5] activities with those of the RNC?

[6] A I'm sorry. I can't hear. Can you tell me
[7] again?

[8] Q I said did you coordinate your activities
[9] with those of the RNC?

[10] MR. BURCHFIELD: I object to form.

[11] THE WITNESS: We were working on the
[12] primary campaign. That's what we were doing. We
[13] were trying to win a primary. We weren't really
[14] doing much beyond that.

[15] BY MR. MOGILNICKI:

[16] Q When I say RNC I mean the Republican
[17] National Committee. I assume that's clear?

[18] A Yes, sir.

[19] Q Did you talk regularly to people at the RNC
[20] during the primary period?

[21] A I would not say regularly but
[22] occasionally.

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[1] Q Was the RNC neutral in the primary
[2] campaign?

[3] A Yes.

[4] Q Once Governor Bush had won the
nomination I

[5] assume the RNC wasn't neutral anymore; is that fair?

[6] A No, they were not neutral anymore.

[7] Q So let's move to the period of time after
[8] Governor Bush had secured the nomination of the
[9] Republican Party.

[10] A Mm-hmm.

[11] Q Can you describe how your communications
[12] with the RNC changed after Governor Bush had
become

[13] the nominee?

[14] A They became more frequent.

[15] Q Can you describe how you interacted with
[16] the RNC during the general election period?

[17] A Me individually?

[18] Q Yes.

[19] A I was a consultant to the Republican
[20] National Committee during the general election
[21] period.

[22] Q Was the RNC your employer during the

Page 44

[1] general election period?

[2] A No.

[3] Q Who was your employer?

[4] A I was a consultant. I was in a consulting
[5] relationship with the Republican National
Committee.

[6] Q Did you have any other employment during
[7] the period of the general election?

[8] A Oh, yes. At that time the campaign was
[9] then in a general mode. The name had changed and it
[10] was called Bush-Cheney 2000.

[11] Q Were you employed by the Bush-Cheney
2000

[12] campaign?

[13] A Yes.

[14] Q And you were simultaneously a consultant to
[15] the RNC?

[16] A Yes.

[17] Q Can you describe your responsibilities as a
[18] consultant to the RNC during the 2000 general
[19] election?

[20] A We were trying to help raise resources for
[21] the Republican National Committee to support the
[22] ticket.

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[1] Q What did you do to try to help the RNC
[2] raise resources to support the ticket?

[3] A We did events.

[4] Q When you say "the ticket," do you mean
[5] Bush-Cheney?

[6] A No. I mean the Republican ticket, from the
[7] Court House to the State House to the White House.

[8] Q Did you do anything that supported only a
[9] portion of the ticket as a consultant for the RNC?

[10] A Can you give me more?

[11] Q Sure. Did any of your work for the RNC
[12] focus on a particular race?

[13] A Not really one over the other.

[14] Obviously, the governor was running for

a

[22] bad address correction or a moved address that you

Page 36

[1] would provide that information and the term is a list
[2] exchange group.

[3] Q Did the Bush exploratory committee have
[4] list exchange agreements with any state parties?

[5] A I don't think so. But we may have had a
[6] couple. I would have to go back and look and
[7] reacquaint myself with that.

[8] Q Did the Bush exploratory committee have
any

[9] list exchange agreements with gubernatorial
[10] campaigns?

[11] A As we indicated we would have used the
[12] Governor Bush committee list. So the answer would
be

[13] yes.

[14] Q Outside of Texas were there any list
[15] exchange agreements with gubernatorial campaigns?

[16] A I don't remember specifically, but I would
[17] assume, yes.

[18] Q Who else would the Bush exploratory
[19] committee have entered into list exchange
agreements

[20] with?

[21] A You can rent lists that are publicly

[22] available. So we would have rented lists that were

Page 37

[1] publicly available.

[2] Q Were there any lists that weren't publicly
[3] available that the Bush exploratory committee
[4] obtained through a list exchange agreement?

[5] A Not to my memory.

[6] Q I would have guessed that a variety of
[7] officials in states outside of Texas would have
[8] wanted to assist the Bush exploratory committee by
[9] providing them with lists of their donors.
[10] Did that in fact happen?

[11] MR. BURCHFIELD: I object to form.

[12] THE WITNESS: Can you restate the question,
[13] please.

[14] MR. MOGILNICKI: Sure.

[15] BY MR. MOGILNICKI:

[16] Q As I indicated to you I would have guessed
[17] that there were a variety of elected officials at the
[18] state or local level who wanted to assist Governor
[19] Bush and as part of seeking to assist Governor Bush
[20] provided his campaign or his exploratory committee
[21] with lists of donors who might be invited to a Bush
[22] event; is that not correct?

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[1] MR. BURCHFIELD: I object to form.

[2] THE WITNESS: I'm sorry. I really don't
[3] remember the specifics of that. If you have an
[4] individual case I could answer, but I don't remember
[5] as a broad thing that we went out and did that.

[6] BY MR. MOGILNICKI:

[7] Q Do you remember any example of a state or

[8] local official providing the Bush exploratory
[9] committee with a list from which the Bush
exploratory

[10] committee could solicit contributions?

[11] MR. BURCHFIELD: I object to the form.

[12] THE WITNESS: What do you mean by
provide?

[13] MR. MOGILNICKI: Allow you to use.

[14] MR. BURCHFIELD: Same objection.

[15] THE WITNESS: I'm trying to remember. The
[16] only one that I remember would be the Jeb Bush list
[17] in Florida.

[18] BY MR. MOGILNICKI:

[19] Q You mentioned earlier the consultants
would

[20] have lists?

[21] A Mm-hmm.

[22] Q Would consultants use lists from other

Page 39

[1] campaigns on which the consultants had worked?

[2] A I have no idea how they got them or where
[3] the list came from. I don't know. You would have to
[4] ask them. I don't know.

[5] MR. BURCHFIELD: Let's take a break.

[6] (Recessed at 9:03 a.m.)

[7] (Reconvened at 9:10 a.m.)

[8] MR. MOGILNICKI: We are back on the
record

[9] after a short break.

[10] BY MR. MOGILNICKI:

[11] Q In or about the end of June '99 Governor
[12] Bush announced that his exploratory had concluded
and

[13] he would run for president; is that right?

[14] A Roughly, yes, I think the end of June,
[15] beginning of July, if my memory is correct.

[16] Q During the life of the exploratory
[17] committee did you ever change job titles or
[18] responsibilities?

[19] A No.

[20] Q Once the governor announced he would be
[21] running for president did you get a new title and new
[22] responsibilities?

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[1] A No.

[2] Q So you were still the finance director but
[3] now it was of the Bush campaign?

[4] A Bush for President.

[5] Q Of the \$36 million that you raised for the
[6] exploratory committee was any leftover to be
[7] transferred into the Bush for President Committee?

[8] A What do you mean?

[9] Q During the six or so months exploratory
[10] committee raised \$367 million, and I was wondering if
[11] it was all spent within those six months as well?

[12] A I don't know the exact amount, but I don't
[13] think it was all spent. I would be shocked if it was
[14] all spent.

[15] Q Do you remember what happened to the

[2] committee raise?
 [3] MR. BURCHFIELD: I object to the form.
 [4] THE WITNESS: During what time period?
 [5] MR. MOGILNICKI: Well, that's a helpful
 [6] question.
 [7] BY MR. MOGILNICKI:
 [8] Q How long did the exploratory committee
 [9] exist?
 [10] A I don't remember the day. I don't remember
 [11] the exact period.
 [12] Q Do you remember about when the
 [13] exploratory
 [14] committee was announced?
 [15] A Yes. March 7, 1999.
 [16] Q Do you remember, roughly speaking, the day
 [17] the exploratory committee was disbanded in favor of
 [18] a
 [19] campaign?
 [20] A I'm sorry. I don't remember. I don't
 [21] remember the exact date.
 [22] Q Is it fair to say that the exploratory
 [23] committee was disbanded when once now President
 [24] Bush
 [25] decided to run for president?

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[1] MR. BURCHFIELD: I object to the form.
 [2] THE WITNESS: I think the exploratory
 [3] committee was disbanded after the decision was made
 [4] that he was going to run.
 [5] BY MR. MOGILNICKI:
 [6] Q Do you have some sense of when that
 [7] occurred?
 [8] A I think it was at the end of June, but I
 [9] don't have an exact memory. I would have to go back
 [10] and refresh my mind.
 [11] Q Still in 1999?
 [12] A Yes, sir.
 [13] Q How much money did the exploratory
 [14] committee raise between March 7, 1999, and the end
 [15] of
 [16] June 1999?
 [17] A Roughly \$36 million.
 [18] Q Was that a record for an exploratory
 [19] committee?
 [20] A I think so. The answer is I think that the
 [21] answer is yes.
 [22] Q Can you describe how you managed to raise
 [23] \$36 million?

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[1] MR. BURCHFIELD: I object to the form.
 [2] THE WITNESS: We set out to do events
 [3] where
 [4] the Governor would go and speak and sell tickets to
 [5] the events. We did direct mail solicitation. Those
 [6] were really the primary ones.
 [7] BY MR. MOGILNICKI:
 [8] Q Where would you get the list from which you
 [9] would invite people to the Governor's speaking
 [10] engagement?

[10] MR. BURCHFIELD: I object to form and
 [11] foundation.
 [12] THE WITNESS: Can you repeat the question?
 [13] MR. MOGILNICKI: Sure. I will even break
 [14] it down.
 [15] BY MR. MOGILNICKI:
 [16] Q I assume in order to make an event a
 [17] success you would mail invitations to a large group
 [18] of people. Is that fair?
 [19] A Sure.
 [20] Q And I am wondering where you got the list
 [21] so you would know who to mail to particularly in
 [22] states outside of Texas?

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[1] A We would sometimes have consultants who
 [2] had
 [3] lists. We would sometimes use lists that were from
 [4] other campaigns that we had done list exchanges
 [5] with.
 [6] Q As to the other campaigns you did list
 [7] exchanges with, would that include both federal and
 [8] state candidates?
 [9] A Yes.
 [10] Q For example, a governor might share his
 [11] list with the Bush exploratory committee?
 [12] MR. BURCHFIELD: I object to form.
 [13] THE WITNESS: Can you give me an example?
 [14] MR. MOGILNICKI: Sure.
 [15] BY MR. MOGILNICKI:
 [16] Q Did you ever get a list of campaign
 [17] distributors from a governor of a state?
 [18] A Governor Bush of Texas.
 [19] Q Sure. Were there other governors who gave
 [20] you lists so you could solicit people from list for
 [21] the exploratory committee?
 [22] MR. BURCHFIELD: Gave as opposed to
 [23] exchange or provide?

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[1] MR. MOGILNICKI: I'll ask.
 [2] BY MR. MOGILNICKI:
 [3] Q Was there ever a situation where a state
 [4] party provided the Bush exploratory committee with a
 [5] list that the Bush exploratory committee could use to
 [6] solicit campaign contributions?
 [7] A What do you mean by provided?
 [8] Q Allowed you to use.
 [9] A In what form?
 [10] Q Any form.
 [11] MR. BURCHFIELD: I object to the form.
 [12] THE WITNESS: I don't remember whether he
 [13] used a state party list in the that list exchange
 [14] agreement.
 [15] BY MR. MOGILNICKI:
 [16] Q Could you tell me what you mean by list
 [17] exchange agreement?
 [18] A You would use a list of names and/or either
 [19] you could rent that list exchange. You could rent
 [20] the list or you could use the list in exchange for
 [21] the names or any improvement in the name if you had

[3] potential for the then-governor to run. So I called
[4] and volunteered my services, encouraged him and
[5] eventually was hired when we started.

[6] Q Who did you call to volunteer your
[7] services?

[8] A Carl Rove.

[9] Q How did you know Carl Rove?

[10] A We had been friends for some period of
[11] time.

[12] Q How had you meet him?

[13] A I met him in 1998 during the Danforth
[14] campaign when I was a volunteer. But the first
[15] campaign I worked on which was my first "real job" I
[16] did the direct mail for -

[17] Q Which campaign was that?

[18] A The Bond for Senate.

[19] Q I didn't follow something you said
[20] earlier. You said you also met him in '98 during the
[21] Danforth campaign.

[22] A Yes. I believe I indicated I was a

Page 27

[1] volunteer.

[2] MR. BURCHFIELD: In '98 or '88?

[3] In '88. I apologize. In '88. I'm sorry.

[4] MR. MOGILNICKI: That's fine. I was trying
[5] to figure it out.

[6] MR. JOSEFIK: Don't mind that, Jack. I
[7] was a decade out of the other day myself.

[8] THE WITNESS: Where has the time gone? It
[9] was '88.

[10] BY MR. MOGILNICKI:

[11] Q When you volunteered your services, did you
[12] describe what services you might be able to offer?

[13] A I indicated to Carl that I would be happy
[14] to do whatever I could to help.

[15] Q What kind of position did you have when
[16] you

[17] moved to Austin to help on the exploratory
[18] committee?

[19] A I was eventually hired as the national
[20] finance director.

[21] Q Will you take me through the chronology
[22] between when you called Carl Rove to volunteer your
services to when you were made finance chairman?

Page 28

[1] A Director.

[2] Q I'm sorry.

[3] A I went down there and saw Carl. We were
[4] waiting to see what was going to happen. They
[5] decided that they were going to do an announcement
[6] in

[7] the exploratory committee and talked with Carl and
[8] the other people who were involved - you know the
[9] kind of people that were around - and when they
[10] announced the committee announced that Don

Evans was

[11] going to be the finance chairman and I was going to
[12] be finance director for Don.

[13] Q Had you known Don Evans previously?

[14] A No.

[15] Q I back you up in '98. Did you do any work
[16] on what my recollection serves was the Ashcroft for
Senate campaign in '98?

[17] A No.

[18] Q Was John Ashcroft running for Senate in '98
[19] if I remember that right?

[20] A No.

[21] Q When did John Ashcroft last run for Senate?

[22] A In the year 2000.

Page 29

[1] Q I'm sorry.

[2] A That's all right.

[3] Q Did you meet with Don Evans before you
[4] were

[5] appointed finance director?

[6] A Yes.

[7] Q Did he describe to you what he wanted you
[8] to do as finance director?

[9] A We had a general discussion about the
[10] process and what we were setting about to do. It was
[11] a general discussion and more of an inspirational
discussion.

[12] Q What is the job description for a finance
[13] director of an exploratory committee?

[14] MR. BURCHFIELD: I object to form.

[15] THE WITNESS: I can only answer the
[16] question as it is to Bush.

[17] BY MR. MOGILNICKI:

[18] Q That's fine. Describe your job
[19] responsibilities as that?

[20] A My responsibilities were to oversee the
[21] fund-raising operation for the exploratory
[22] committee.

Page 30

[1] Q Did you have any understanding about what
[2] limits, if any, there were on how much money an
[3] exploratory committee could raise and from whom?

[4] MR. BURCHFIELD: I object to the form.

[5] MR. MOGILNICKI: Sure.

[6] THE WITNESS: Can you say that? It was
[7] kind of narrower. Make it more specific.

[8] MR. MOGILNICKI: Sure.

[9] BY MR. MOGILNICKI:

[10] Q Are there limits on how much an exploratory
[11] committee can raise from an individual?

[12] A The federal law allows individuals to give
[13] \$1,000. So you can take \$1,000 from an individual
[14] and \$5,000 from a political action committee.

[15] Q Can an exploratory committee take money
[16] from a corporation?

[17] A No.

[18] Q Can an exploratory committee take money
[19] from a union?

[20] A What do you mean when you say "union"?

[21] Q From a union treasury?

[22] A No.

Page 31

[1] Q How much money did the exploratory

[4] behind the Spirit of America PAC?
 [5] A What do you know by guiding light?
 [6] Q I withdraw that question.
 [7] I ask what was the relationship with
 [8] Senator Ashcroft to the Spirit of America PAC?
 [9] A He was the honorary chairman, I think. I
 [10] can't specifically give you the nomenclature, but my
 [11] memory is such that he was the honorary chairman.
 [12] Q Who supervised you as the executive
 [13] director of Spirit of America PAC?
 [14] A Me.
 [15] Q Okay. Who raised money for the Spirit of
 [16] America PAC?
 [17] A Me.
 [18] Q Did Senator Ashcroft do anything to raise
 [19] money for the Spirit of America PAC?
 [20] A Yes. He signed some direct mail letters
 [21] and appeared at events.
 [22] Q Were there any other Senators who helped

Page 22

[1] raise money for the Spirit of America PAC?
 [2] A What do you mean by helped?
 [3] Q Signed letters and appeared at events?
 [4] A I think we had some other people who came
 [5] to events, but it is not my memory that any of the
 [6] other ones signed letters.
 [7] Q Who decided how funds were to be
 [8] disbursed
 [9] to the Spirit of America PAC?
 [10] A Me.
 [11] Q Did Senator Ashcroft play any role in those
 [12] decisions?
 [13] A I think we informed him what we were doing,
 [14] but I think that would be the -- you are asking me to
 [15] remember things that happened many campaigns ago.
 [16] He
 [17] may have signed off on a list, but I don't remember
 [18] that. I can't give you the specifics. He was
 [19] informed, I know, but I don't remember if we
 [20] specifically had a sign-off from him.
 [21] Q Did he ever direct spending?
 [22] MR. BURCHFIELD: I object to the form.
 THE WITNESS: No.
 BY MR. MOGILNICKI:

Page 23

[1] Q Did the Spirit of America pay for travel
 [2] for Senator Ashcroft?
 [3] A The Spirit of America paid for travel for
 [4] Senator Ashcroft, yes.
 [5] Q To take a wild guess, would that include
 [6] trips to say Iowa or New Hampshire?
 [7] A We did take a trip to Iowa and New
 [8] Hampshire, but I think we traveled in -- I don't know
 [9] -- a lot, over 30 states.
 [10] Q How long were you at the Spirit of America
 [11] PAC?
 [12] A Until the end of the year of 1998.
 [13] Q Who replaced you as the executive director
 [14] of the Spirit of America PAC?

[15] A I don't know. I can't remember. I don't
 [16] remember who took that. I'm sure somebody did. The
 [17] election cycle was over. I think they may not have
 [18] had one. But I don't have a memory of that.
 [19] Q Do you know if the Spirit of America PAC
 [20] disbanded at the end of 1998?
 [21] A I don't think so, but I don't know.
 [22] Q What did you do after leaving the Spirit of

Page 24

[1] America PAC?
 [2] A I went back to Missouri and tried to figure
 [3] out what I was going to do next.
 [4] Q I know you went to law school somewhere in
 [5] here. Is that at this time?
 [6] A No.
 [7] Q Have I missed it already?
 [8] A Yes. I went to law school part time during
 [9] a variety of those periods.
 [10] Q When did you get your law degree?
 [11] A I'm embarrassed to tell you. I think I
 [12] finally got my law degree in 1999, but I can't
 [13] remember the exact date. I think I ended up -- I
 [14] went back to do some kind of correspondence. It
 [15] took
 [16] a long time to go to law school. I think seven or
 [17] eight years.
 [18] MR. BURCHFIELD: Obviously it was a high
 [19] light for you as it was for all of us.
 [20] MR. MOGILNICKI: Your parents must be so
 [21] proud.
 [22] THE WITNESS: My father wanted me to get a
 law degree, and I decided that was a nice thing to do

Page 25

[1] for him.
 [2] MR. MOGILNICKI: That's great.
 [3] BY MR. MOGILNICKI:
 [4] Q Was that one of the things you did when you
 [5] went back to Missouri after the 1998 election cycle?
 [6] A I don't think so. I don't think I was in
 [7] school in that time period. I think I sat out for
 [8] the fall and then I did not go in the spring because
 [9] I left. So I mean I wasn't in Missouri long enough
 [10] to get back in.
 [11] Q When we left the chronology you were back
 [12] in Missouri and trying to figure out what to do
 [13] next. What did you do next?
 [14] A I moved to Austin, Texas, and went to work
 [15] on the exploratory committee for then-Governor
 [16] George
 [17] W. Bush.
 [18] Q Can you describe how that came to happen?
 [19] MR. BURCHFIELD: I object to form.
 [20] THE WITNESS: What do you mean by that?
 [21] BY MR. MOGILNICKI:
 [22] Q I assume before you got in the car and went
 to Austin you had conversations with people about

Page 26

[1] potential jobs?
 [2] A There was a lot of excitement about

[2] would not be upset with me then the answer is yes.
 [3] Q What were your responsibilities when you
 [4] joined the Missouri Republican Party?

[5] A I was the executive director and my focus
 [6] was on not only the administrative piece of the
 [7] building but also the election that was coming up.

[8] Q Did you do fund-raising for the state
 [9] party?

[10] A Mm-hmm.

[11] Q I'm sorry give an audible answer?

[12] A Yes, I did funds raising. I apologize.

[13] Q Did you use any contacts you obtained
 [14] during the Ashcroft for Senate campaign?

[15] MR. BURCHFIELD: I object to form.

[16] THE WITNESS: If you mean did I use did I
 [17] call anyone that I had also known during the Ashcroft
 [18] time period the answer is yes.

[19] BY MR. MOGILNICKI:

[20] Q Did you take donor lists that you used in
 [21] the Ashcroft for Senate campaign and used them to
 [22] raise funds for the Missouri state Republican Party?

Page 17

[1] MR. BURCHFIELD: I object form.

[2] THE WITNESS: I don't remember the specific
 [3] usage of lists, per se, but I did raise money from
 [4] likely people who par advertise paid in Republican
 [5] politics some of whom I'm sure given money to the
 [6] Ashcroft for Senate campaign.

[7] Q In general do campaign for office share
 [8] donor list with state parties and vice versa?

[9] MR. BURCHFIELD: I object to form and
 [10] foundation.

[11] THE WITNESS: Can you repeat the question,
 [12] please?

[13] MR. MOGILNICKI: Sure.

[14] BY MR. MOGILNICKI:

[15] Q Let me ask you first about Missouri. In
 [16] Missouri does the state party and the federal
 [17] candidate share lists of donors so that each can
 [18] raise money from the others' source?

[19] A I don't remember that being the common
 [20] practice, but it is too far back in time for me to
 [21] remember the specifics.

[22] Q How did the '96 election turn out?

Page 18

[1] A Well, the candidates that I was very
 [2] focused on, all those people who were running, we
 [3] did

[3] not have a successful year in the State of Missouri
 [4] in 1996. We lost.

[5] Q What did you do next after the '96
 [6] election?

[7] A I went back to work for John Ashcroft in
 [8] the Senate office I think at the beginning of the
 [9] year after Christmas was over.

[10] Q What was your title?

[11] A I think I went back to the title of deputy
 [12] chief of staff, but it could have been administrative
 [13] assistant. I don't remember the specific time period

[14] what the title was.

[15] Q I understood you previously to have been
 [16] located in Missouri. Now after '96 you are located
 [17] in Washington?

[18] A Can you define? I'm not trying to be
 [19] argumentative, but I don't understand what you mean
 [20] by located.

[21] Q You were in the Washington office I trying
 [22] to figure out?

Page 19

[1] A I was in Missouri. My base was in
 [2] Missouri.

[3] Q Still?

[4] A As part of my duty I was in Washington
 [5] occasionally.

[6] Q I see. Misunderstood.

[7] A Part of my time was also spent in
 [8] Washington as well.

[9] Q Mostly in Missouri would you say?

[10] A I would say it would probably be somewhere
 [11] in the neighborhood of 60 percent Missouri, 55
 [12] percent, somewhere in that neighborhood.

[13] Q What was your next position after returning
 [14] to be deputy chief of staff starting in 1996?

[15] A 1997.

[16] Q Ninety-seven. Okay.

[17] A Ninety-six was the election year.

[18] Q Sure.

[19] A So, can you repeat?

[20] Q I'm trying to finish the chronology. So in
 [21] 1997 you joined Senator Ashcroft's staff. What your
 [22] next stop in your resume?

Page 20

[1] A I stayed with Senator Ashcroft's staff
 [2] through 1997, and then in 1998 I left the Senator's
 [3] staff and went to work for the Spirit of America
 [4] PAC.

[5] Q What was your title at the Spirit of
 [6] America PAC?

[7] A Executive director.

[8] Q What was the mission of the Spirit of
 [9] America PAC?

[10] MR. BURCHFIELD: I object to the form.

[11] THE WITNESS: We were focused on the 1998
 [12] election cycle in helping do anything we could to
 [13] elect candidates in 1998.

[14] BY MR. MOGILNICKI:

[15] Q Did you have a focus on Senate races, for
 [16] example?

[17] MR. BURCHFIELD: I object to form.

[18] THE WITNESS: Not particularly.

[19] BY MR. MOGILNICKI:

[20] Q Was there any particular focus? Electing
 [21] candidates is being a little broad.

[22] A We were also looking at House candidates as

Page 21

[1] well as Senate candidates and other candidates. We
 [2] were trying to help Republicans.

[3] Q Was Senator Ashcroft the guiding light

[2] to work on the Ashcroft for Senate campaign. I was
[3] there until the end of the year of '94.

[4] Then I went to work as the deputy chief of
[5] staff for John Ashcroft's Senate office.

[6] Q I back you up a little. Can you tell me
[7] first did you stop law school in '94 in order to work
[8] for the campaign?

[9] A Yes.

[10] Q What were you responsible for the Ashcroft
[11] for Senate campaign?

[12] A I was the deputy campaign manager and I
[13] was

[13] in charge of finance.

[14] Q How much money did you raise for Ashcroft
[15] for Senate, if you remember?

[16] MR. BURCHFIELD: I object to form.

[17] You may answer.

[18] THE WITNESS: Can you repeat the question,
[19] please?

[20] MR. MOGILNICKI: Sure. And I will ask try
[21] to accommodate Bobby's objection.

[22] BY MR. MOGILNICKI:

Page 12

[1] Q Do you know how much money was raised
[2] for

[2] the Ashcroft for Senate campaign?

[3] A Approximately \$41 million.

[4] Q Did the state party help the Ashcroft
[5] campaign in '94?

[6] MR. BURCHFIELD: I object to the form.

[7] THE WITNESS: Can you restate the question,
[8] please?

[9] MR. MOGILNICKI: Sure.

[10] Q What did the state party do to help John
[11] Ashcroft get elected in 1994?

[12] A I think you have to go back and check the
[13] records, because I don't remember exactly, but I
[14] think they gave the maximum amount which was
\$10,000

[15] PAC contribution.

[16] Q Did the state party do any generic
[17] get-out-the-vote activities in '94?

[18] A To my memory, yes.

[19] Q Did that help the Ashcroft campaign?

[20] A It would help the entire ticket.

[21] Q Okay. Did the state party have any vote
[22] Republican ads on TV or on the radio?

Page 13

[1] A I don't remember.

[2] Q Do you remember if they had any newspaper
[3] ads in '94?

[4] A I'm sorry. I don't remember that.

[5] Q That's okay.

[6] Is there anything else you do remember
[7] about the state party's role assisting the Ashcroft
[8] for Senate campaign in 1994?

[9] A I'm sorry, no.

[10] Q That's okay.

[11] There were a few campaign in your state.

[12] You were then deputy chief of staff for Senator
[13] Ashcroft here in Washington?

[14] A In Missouri.

[15] Q In Missouri?

[16] A Yes.

[17] Q Can you just describe briefly your
[18] responsibilities as deputy chief of staff?

[19] A I was in charge of the Senator's travel in
[20] the state. We had five - I have to go with back and
[21] try to remember - five state offices.

[22] Q Yes.

Page 14

[1] A I was involved in each of those to make
[2] sure those ran, the personnel involved in setting
[3] those offices up, all the administrative functions
[4] that go into running those.

[5] Q How long were you a deputy chief of staff
[6] for Senator Ashcroft?

[7] A I left in '96 - for a good part of the
[8] year - and went to the Missouri Republican Party,
[9] but I don't remember the exact dates.

[10] Q What caused you to move over to the
[11] Missouri Republican Party?

[12] A It was an election cycle. So I went over
[13] to work on the election.

[14] Q Who was running in '96? I assume Senator
[15] Ashcroft was not; is that correct?

[16] A Senator Ashcroft was not on the ballot in
[17] 1996.

[18] Q Who was on the ballot in '96?

[19] A We had a gubernatorial election in Missouri
[20] with Margaret Kelley was the nominee running again
[21] then Senator Mel Carnahan. We had a Lieutenant
[22] Governor's campaign with Bill Kenny running for

Page 15

[1] Lieutenant Governor.

[2] We had a secretary of state campaign with
[3] John Hancock running for Secretary of state.

[4] We had approximately 164 state House seats
[5] up and I think half of the state Senate - I'm trying
[6] to think.

[7] We had an attorney general race against Jan
[8] Nixon and had a candidate for state treasure who I
[9] don't remember.

[10] Q That's fine. Thank you.

[11] Did you leave to join the state party with
[12] Ashcroft aft's blessing?

[13] A What do you mean by blessing.

[14] Q I mean, did he resist you leaving did he
[15] encourage you'll to leave I'm trying to get a sense
[16] of how he took your moving onto the state party.

[17] MR. BURCHFIELD: Object to foundation.

[18] THE WITNESS: I can't remember the
[19] conversation.

[20] BY MR. MOGILNICKI:

[21] Q Would you have left to join the state party
[22] without his telling you it was acceptable to him?

Page 16

[1] A If you mean by the word acceptable that he

Page 6

- [1] 20003.
 [2] Q And your date of birth, please?
 [3] A 1/25/69.
 [4] Q Have you ever had the pleasure of having
 [5] your deposition taken before?
 [6] A No, I have not. I haven't had this
 [7] enjoyable experience as of yet.
 [8] Q Let me just describe the process a little
 [9] bit. I know the court reporter has already helped
 [10] you with some of these issues. The court reporter is
 [11] going to transcribe what you say. It is important
 [12] that you speak audibly instead of nodding our head or
 [13] uh-huh. It is important that I let you finish your
 [14] answers and you let me finish my questions so that
 [15] the record is perfectly clear.
 [16] I really want you to understand my
 [17] questions. So if for some reason what I have said is
 [18] unclear, please let me know and I will try to
 [19] rephrase it. I know your counsel will help me in
 [20] that regard. If you like to take a break please let
 [21] me know.
 [22] Do you understand all of that?

Page 7

- [1] A Yes.
 [2] Q Is there anything that would keep you from
 [3] giving good testimony this morning? You are not
 [4] under an impairment, for example?
 [5] A No.
 [6] Q Great.
 [7] A Except we are all a little tired.
 [8] Q Can you tell me what you did to prepare
 [9] yourself for the deposition today?
 [10] A I spent time talking to my counsel.
 [11] Q And how long did you spend with counsel?
 [12] A Approximately I would say between five and
 [13] six hours total.
 [14] Q When did you do that?
 [15] A One for a two and 1/2 hour and three hour
 [16] setting last night, and then I think three hours on
 [17] Friday.
 [18] Q Have you discussed your deposition with
 [19] anyone besides your counsel?
 [20] A The fact that I was getting deposed?
 [21] Q Let's start there, yes.
 [22] A Just with my wife that I was.

Page 8

- [1] Q Okay. Is there anyone else you discussed
 [2] it with?
 [3] A My office knows what I'm doing today.
 [4] Q Did you talk to them about potential areas
 [5] of questioning -
 [6] A No.
 [7] Q - that you might talk about?
 [8] A No.
 [9] Q They just know you are here?
 [10] A Yes.
 [11] Q Did you look at any documents in
 [12] preparation for your deposition?

- [13] A Yes, I did review some documents.
 [14] Q What kind of documents did you look at?
 [15] A Documents that were shown to me by my
 [16] lawyer.
 [17] Q What documents did you look at?
 [18] MR. BURCHFIELD: Objection; privileged
 [19] work
 [20] product.
 [21] MR. MOGILNICKI: I believe I am instructed
 [22] struck not to answer.
 MR. BURCHFIELD: Yes.

Page 9

- [1] BY MR. MOGILNICKI:
 [2] Q I would like to know a little bit about
 [3] your background.
 [4] Would you tell me where you went to college
 [5] and walk me through your employment history since
 [6] college?
 [7] A I went to Vanderbilt University in
 [8] Nashville, Tennessee, and I graduated from there in
 [9] 1991. I worked for Senator Bond after graduating
 [10] from college.
 [11] Q What did you do for Senator Bond?
 [12] A I was, and I can't remember the exact
 [13] title, a staff assistant.
 [14] Q Yes. Was this in his state or here in
 [15] Washington?
 [16] A It was in Missouri, and I did that, and
 [17] then went to work for his campaign for the U.S.
 [18] Senate in 1992, and I served there until the end of
 [19] the election in 1992.
 [20] Q Was that your first campaign or had you
 [21] been active previously?
 [22] A I had volunteered on other campaign papers

Page 10

- [1] before and had been involved as a volunteer, but that
 [2] was my first paid real job.
 [3] Q Did you go to the 1992 convention?
 [4] A No.
 [5] Q Okay. After the '92 campaign what did you
 [6] do next?
 [7] A I went to work for a state Senator named
 [8] Peter Kinder in Jefferson city and worked on his
 [9] staff there. I then - I'm sorry. I am thinking
 [10] back.
 [11] Q That's quite all right.
 [12] A I then came back to Washington for the
 [13] summer and worked at Empower America.
 [14] Q Do you remember what year that was?
 [15] A That was also in '93.
 [16] Q What does Empower America do?
 [17] A It was just getting started. It was the
 [18] think tank group. Actually it was a Jack Kemp and
 [19] Bill Bennett group that was getting started in '93.
 [20] Then I went back to Missouri in the fall of
 [21] 1993 to begin at the University of Missouri School of
 [22] Law.

Page 11

- [1] I then moved over in January of 1994 to go

Page 1

[1] IN THE UNITED STATES DISTRICT COURT
 [2] FOR THE DISTRICT OF COLUMBIA
 [3]
 [4] -----x
 [5] SENATOR MITCH McCONNELL, :
 [6] et al., :
 [7] Plaintiffs, :
 [8] v. : Case No. 02-582
 [9] FEDERAL ELECTION COMMISSION, :
 [10] et al., :
 [11] Defendants. :
 [12] ----- x
 [13]
 [14] CONFIDENTIAL DEPOSITION OF JOHN L.
 OLIVER III
 [15]
 [16] Washington, DC
 [17] Monday, September 30, 2002
 [18]
 [19]
 [20]
 [21] REPORTED BY:
 [22] FRANK A. SMONSKY, CM

Page 2

[1] Deposition of JOHN L. OLIVER III, called for
 [2] examination pursuant to notice of deposition, on
 [3] September 30, 2002, in Washington, DC, at the
 offices
 [4] of Covington & Burling, 1201 Pennsylvania Avenue,
 [5] N.W., at 8:15 a.m., before FRANK SMONSKY,
 CM, a
 [6] Notary Public within and for the District of
 [7] Columbia, when were present on behalf of the
 [8] respective parties:
 [9] APPEARANCES:
 [10] BOBBY R. BURCHFIELD, ESQ.
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 [12] 1201 Pennsylvania Avenue, N.W.
 [13] Washington, DC 20004-2401
 [14] (202) 662-5465
 [15] BENJAMIN L. GINSBERG, ESQ. and
 [16] MITCHELL R. BERGER, ESQ.
 [17] Patton Boggs LLP
 [18] 2550 M Street, NW
 [19] Washington, DC
 [20] (202) 457-1350
 [21] On behalf of Plaintiff
 [22] Republican National Committee

Page 3

[1] APPEARANCES (Continued):
 [2] JOHN C. BONIFAZ, ESQ.
 [3] Executive Director
 [4] LISA J. DANETZ, ESQ.
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 [7] Third Floor
 [8] Boston, MA 02108
 [9] (616) 368-9100

[10] On behalf of Plaintiff Adams
 [11] ERIC J. MOGILNICKI, ESQ.
 [12] KRISAN PATTERSON, ESQ. and
 [13] JENNIFER MUELLER, ESQ.
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 [17] (202) 663-6784
 [18] On Behalf of Intervenor Defendants
 [19] Senators John McCain, Russell Feingold,
 [20] James Jeffords, Olympia Snowe, and
 [21] Representatives Christopher Shays and
 [22] Martin Meehan

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[1] ALSO PRESENT:
 [2] THOMAS J. JOSEFIK, ESQ.
 [3] Counsel
 [4] Republican National Committee
 [5] 310 First Street, S.E.
 [6] Washington, DC 20003
 [7] (202) 863-8638
 [8]
 [9] TAMMY HORN
 [10] Paralegal
 [11] Wilmer, Cutler & Pickering
 [12] 2445 M Street, N.W.
 [13] Washington, DC
 [14] (202) 663-6705
 [15]
 [16]
 [17]
 [18]
 [19]
 [20]
 [21]
 [22]

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[1] PROCEEDINGS
 [2] Whereupon,
 [3] JOHN L. OLIVER III
 [4] was called as a witness and, having first been duly
 [5] sworn, was examined and testified as follows:
 [6] EXAMINATION
 [7] BY MR. MOGILNICKI:
 [8] Q Good morning.
 [9] A Good morning.
 [10] Q I am Eric Mogilnicki, and I represent the
 [11] defendant intervenors in this case. We'll be taking
 [12] your deposition today.
 [13] Would you state your full name for the
 [14] record?
 [15] A John Leachman Oliver III.
 [16] Q You go by Jack?
 [17] A Yes.
 [18] Q Could you state your address for the
 [19] record?
 [20] A Business or home?
 [21] Q Business would be fine.
 [22] A 310 First Street, S.E., Washington, D.C.



Depo of: JOHN L. OLIVER, III McConnell v. FEC September 30, 2002

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