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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF COLUMBIA  
3   - - - - -X  
4 REPRESENTATIVE BENNIE G. THOMPSON,         :  
5 United States House of Representatives     :  
6 Washington, D.C. 20515,                   :  
7 REPRESENTATIVE EARL F. HILLIARD,         :  
8 United States House of Representatives     :  
9 Washington, D.C. 20515                    :  
10                   Plaintiffs,               :  
11                   v.                            : CASE NO.  
12 FEDERAL ELECTION COMMISSION             : 1:02CV00881  
13 999 E Street, N.W.                       :  
14 Washington, D.C. 20463                   :  
15                   and                           :  
16 JOHN ASHCROFT                            :  
17 In his official capacity as             :  
18 Attorney General of the United States   :  
19 DEPARTMENT OF JUSTICE                   :  
20 10th and Constitution Ave., N.W.       :  
21 Washington, D.C. 20530-0001             :  
22                   Defendants.                 :  
23   - - - - -X  
24   Washington, D.C.  
25   Thursday, September 19, 2002

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1                   Deposition of BENNIE G. THOMPSON, a  
2 Plaintiff herein, called for examination by counsel  
3 for Defendants in the above-entitled matter, pursuant  
4 to notice, the witness being duly sworn by PENNY M.  
5 DEAN, a Notary Public in and for the District of  
6 Columbia, taken at the offices of U.S. House of  
7 Representatives, 2432 Rayburn House Office Building,  
8 Washington, D.C., at 2:04 p.m., Thursday, September  
9 19, 2002, and the proceedings being taken down by  
10 Stenotype by PENNY M. DEAN, RPR, and transcribed  
11 under her direction.  
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1 APPEARANCES:  
2  
3                   On behalf of Plaintiff Hilliard:  
4                   CHERYL FREEMAN-WATKINS, ESQ.

5 Capitol Legal Group, LLP  
6 1250 H Street, N.E.  
7 Washington, D.C. 20002  
8 (202) 399-1100  
9

10 On behalf of the Adams Plaintiffs:  
11 JOHN C. BONIFAZ, ESQ.  
12 Executive Director  
13 National Voting Rights Institute  
14 One Bromfield Street, Third Floor  
15 Boston, Massachusetts 02108  
16 (617) 368-9100  
17  
18  
19  
20  
21  
22  
23  
24  
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0004

1 APPEARANCES (Continued):  
2

3 On behalf of the Paul Plaintiffs:  
4 JOHN S. MILES, ESQ.  
5 William J. Olson, P.C.  
6 8180 Greensboro Drive, Suite 1070  
7 McLean, Virginia 22102-3860  
8 (703) 356-5070  
9

10 On behalf of the Defendants U.S. DOJ & Ashcroft:  
11 TERRY M. HENRY, ESQ.  
12 United States Department of Justice  
13 Civil Division, Federal Programs Branch  
14 901 E Street, N.W., Room 942  
15 Washington, D.C. 20530  
16 (202) 514-4107  
17

18 ALSO PRESENT:  
19 WILLIAM A. BORDERS, JR., ESQ.  
20 LANIER AVANT  
21  
22  
23  
24  
25

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2 BENNIE G. THOMPSON	DEFENDANTS
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5 By Mr. Bonifaz	54, 89
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1 P R O C E E D I N G S  
2 (Thompson Exhibit No. 1  
3 was premarked for  
4 identification.)  
5 Whereupon,  
6 BENNIE G. THOMPSON,  
7 business address at U.S. House of Representatives,  
8 2432 Rayburn House Office Building, Washington, D.C.  
9 20515, was called as a witness by counsel for  
10 Defendants, and having been duly sworn by the Notary  
11 Public, was examined and testified as follows:  
12 MS. FREEMAN-WATKINS: Before we get  
13 started, I would like for everyone in the room to  
14 identify themselves and the parties they represent so

15 we have it officially on the record.  
16 MR. HENRY: Terry Henry, I represent the  
17 Department of Justice and the United States.

18 MR. BONIFAZ: My name is John Bonifaz, I  
19 represent the Adams plaintiffs led by Victoria  
20 Jackson Gray Adams.

21 MR. MILES: John Miles, I represent the  
22 plaintiffs and Congressman Ron Paul, et al. versus  
23 FEC, et al. in a related case.

24 MS. FREEMAN-WATKINS: Cheryl  
25 Freeman-Watkins along with Sherri L. Wyatt who

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1 represent Congressman Thompson.

2 EXAMINATION BY COUNSEL FOR  
3 DEFENDANTS DOJ & ASHCROFT  
4 BY MR. HENRY:

5 Q. Okay, my name is Terry Henry, I'm with the  
6 Department of Justice and today I'm going to be  
7 asking you a few questions concerning the claims that  
8 have been made in the lawsuit that you and  
9 Congressman Hilliard have brought challenging the  
10 Bipartisan Campaign Reform Act of 2002.

11 Just a few preliminaries, I just ask if I  
12 ask you a question and you don't understand the  
13 question, if you'd let me know, I'll try to rephrase  
14 it so you know it is clear what I'm asking so we can  
15 get an appropriate answer. And also, when you're  
16 giving a response, if you would give a verbal  
17 response rather than nodding your head or whatever  
18 since the court reporter has to take down the verbal  
19 responses, I'd appreciate that.

20 Have you given testimony via deposition or  
21 in court before?

22 A. Yes, I have.

23 Q. How many times do you think?

24 A. Probably 50 times.

25 Q. Okay. So you're familiar with this

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1 process, I take it.

2 A. Very.

3 Q. Could you state your full name for the  
4 record, please?

5 A. Bennie Gordon Thompson.

6 Q. And your present position here in  
7 Congress?

8 A. U.S. Representative, Second District of  
9 Mississippi.

10 Q. And how long have you been in that  
11 position?

12 A. Since April of 1993.

13 Q. So are you -- that would be your fifth  
14 term?

15 A. Um-hum -- yes.

16 Q. Before you were elected to Congress, did  
17 you hold any prior elected or appointed positions in  
18 the government?

19 A. Yes, I did, I was district 2

20 representative in Hinds County, Mississippi for 13  
21 years. Before that I was mayor of Bolton,  
22 Mississippi for seven years. Before that I was on  
23 the Board of Aldermen of Bolton for four years.

24 Q. And in preparation for your deposition  
25 today, have you spoken to anyone besides your

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1 counsel?

2 A. No.

3 Q. And have you reviewed any documents or  
4 anything in preparation for the deposition?

5 A. Other than the initial complaint.

6 Q. Okay. So I take it since you're in your  
7 fifth term you've campaigned for your seat in  
8 Congress four or five times; is that correct?

9 A. Unfortunately every time.

10 Q. And did you face opponents in every  
11 election?

12 A. Every election, that's correct.

13 Q. And so I take it then you were involved in  
14 fund-raising related to your campaign efforts; is  
15 that correct?

16 A. That's correct.

17 Q. If I could, let me ask you to take a look  
18 at a copy of the complaint in this case, which has  
19 been marked Thompson Exhibit 1 and if you would take  
20 a look at paragraph 18 of the complaint, I want to  
21 ask you about that. Looking there at the first  
22 sentence it says, plaintiff Thompson is a United  
23 States citizen, a voter, candidate, a donor, campaign  
24 fund recipient, parenthetically used both hard and  
25 soft money and a member of the Democratic National

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1 Party and it goes on.

2 Can I ask you, Congressman, the phrase  
3 there that says using both hard and soft money. What  
4 was meant by that, do you know?

5 A. Well, it means that under the present law  
6 I can receive hard money directly from sources. Soft  
7 money is referred to as independent expenditures or  
8 third party monies in my definition which could be  
9 meant to help encourage or educate voters in upcoming  
10 elections or familiarize them with issues that might  
11 be of benefit to them.

12 Q. Have you spent time trying to raise soft  
13 money -- excuse me, before we get started, by soft  
14 money you're talking about the types of money you  
15 just talked about, money used for voter education and  
16 that sort of thing; is that correct?

17 A. That's correct.

18 Q. So would it be correct if when I use the  
19 term soft money and I am referring to monies that are  
20 donations to -- or politically related donations or  
21 expenditures that are not subject to the source and  
22 amount restrictions of the Federal Election Campaign  
23 Act, would --

24 A. In terms of hard money?

25 Q. In terms of soft money, they are not  
0012

1 subject to those strictures?

2 A. As it relates to hard money contributions  
3 you have restrictions.

4 Q. Right.

5 A. Soft monies you don't.

6 Q. Okay. I want to make sure we're operating  
7 on the same wavelength here on the definition and  
8 terms. So you've spent time raising soft money you  
9 said, correct?

10 A. On behalf of other candidates and other  
11 issues, that's correct.

12 Q. Can I ask you who you have raised soft  
13 money on behalf of?

14 A. Congressional Black Caucus's Political  
15 Action Committee. I've raised it on behalf of a  
16 number of local elected officials in my district to  
17 help for transportation of voters to the poll on  
18 election day for printing of materials, for radio  
19 advertisements with respect to the issues of an  
20 election, school bond issue elections, judicial  
21 election, just about everything you can imagine.  
22 From my vantage point, those funds have been  
23 absolutely essential for the maximization of voter  
24 participation in minority communities.

25 Q. And from whom do you try to raise soft  
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1 money?

2 A. From anybody who will give it.

3 Q. Okay. Are there certain givers that are  
4 more likely to give than others?

5 A. Not really. A lot depends on the  
6 particular election, a lot depends on whether or not  
7 there are some issues at the time that -- physicians,  
8 attorneys might have an interest in, people in  
9 agriculture, people in the beverage industry, a lot  
10 depends on the issue that's before the public at the  
11 time. Obviously if there is an issue of concern,  
12 people are willing to invest in making sure that  
13 their issues are put forth in a manner that people  
14 can cast an intelligent ballot.

15 Q. You mentioned you raised money from  
16 persons associated with certain industries. Do you  
17 raise the money from the businesses themselves or  
18 from the actual individual?

19 A. Both, both.

20 Q. Okay. And I'm going to ask you this: Are  
21 you aware if soft money has ever been expended in a  
22 manner that benefited your candidacy in the campaign  
23 in any way?

24 A. I'm aware, but I was not directly involved  
25 in it as a candidate, but I do know people in the  
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1 education community, people in the labor community  
2 who have identified with a lot of the positions I've  
3 taken, have gone about encouraging their members to

4 go out and support my candidacy. They have invested  
5 in voter registration and transportation efforts in  
6 that respect, but I was not directly, you know,  
7 involved in that. That was handled separate from me,  
8 but nonetheless an integral part in my being elected  
9 and staying elected.

10 Q. And how was that?

11 A. Well, they have memberships, many  
12 constituencies identify with a lot of the issues I  
13 support. And I think it's to their advantage to  
14 mobilize their members, both from the standpoint of  
15 familiarizing them with my voting record, but I also  
16 encourage them to go out and vote on election day and  
17 that is, as I see it, a fundamental principle of  
18 democracy that you have ability to exercise your  
19 right to choose.

20 Q. And you had mentioned earlier that some of  
21 the soft money raising you had done involved local  
22 candidates for various positions.

23 A. That's correct.

24 Q. Have you ever been involved in raising  
25 soft money that was intended to be used at the

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1 federal level in some way or to get people out to  
2 vote in federal elections?

3 A. Oh, yes, I have.

4 Q. Can you --

5 A. I was involved in identifying resources  
6 for Congressman Earl Hilliard's recent election in  
7 Alabama, identifying sources of monies and/or  
8 entities who could work on behalf of getting the vote  
9 out.

10 Q. And what entities were involved?

11 A. Well, we worked with the Coalition of  
12 Black Trade Unions, we worked with different local  
13 branches of the NAACP and others and those races  
14 clearly were meant to encourage minority or low  
15 income voters to participate in the process. It was  
16 not directly related to asking them to vote for Mr.  
17 Hilliard, but it was more or less to make sure that  
18 transportation was available to the voters, make sure  
19 that the issues of the election were articulated so  
20 that people could cast an intelligent ballot. We  
21 think that's fundamental.

22 You find more often than not in minority  
23 communities the candidates don't have the capacity to  
24 raise all the money themselves. My experience has  
25 been clearly you have to have as many resources

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1 available at election time in order for people to be  
2 able to cast an intelligent ballot. Many of those  
3 opportunities are available through soft money  
4 sources. If they were not available I am of the  
5 opinion that voters in many minority districts would  
6 not have the ability to cast an intelligent ballot.

7 Q. So that when you are raising soft money or  
8 otherwise dealing with some of the entities that you

9 mentioned here, are you asking them to expend money  
10 in a certain way or to give money to other causes  
11 or --

12 A. Well, let's take labor for instance,  
13 Mr. Hilliard had 100 percent voting record on issues  
14 pertaining to labor.

15 Under the present law he could only  
16 receive \$5,000 per election cycle or per election  
17 from a labor union or any other political entity and  
18 \$1,000 from an individual. Well, what you want to do  
19 is make sure that those individuals understand the  
20 gravity of the election and if under the present law  
21 they could not give any more money hard, then you  
22 would try to identify the soft money opportunities.

23 Many of those opportunities happen to be  
24 working with their own individual members through  
25 voter registration, voter registration campaigns,

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1 they could talk about organizing a transportation  
2 component to make sure their members get to the poll  
3 or identify other groups in the community who might  
4 have similar goals of getting people to the poll on  
5 election day and you would somehow encourage those  
6 people to start talking. And if you have an interest  
7 in an election under the present law, you would be  
8 encouraged to do it.

9 Q. So have you ever asked any of these  
10 entities that we were talking about to make donations  
11 to other entities?

12 A. Yes.

13 Q. And what are -- if you could describe some  
14 of the entities that would be the recipients of those  
15 donations?

16 A. In Mr. Hilliard's situation it was the  
17 Jefferson County Improvement Association, that was  
18 the organization that was identified by a number of  
19 people as having very similar interests in  
20 encouraging minority voters and low income voters to  
21 go out on election day and resources were encouraged  
22 to be sent to that entity, to get the vote out, to  
23 serve as poll monitors and watchers, as well as  
24 provide printing of the issues in the election.

25 Q. And why do you think that organization in

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1 particular would be doing things that would assist  
2 the election of Congressman Hilliard?

3 A. Well, from all the information I had  
4 available to me, it was -- this organization has been  
5 around a long time, it has been involved in the kinds  
6 of voter mobilization, voter education efforts that  
7 made a difference in the community. They were a  
8 501(c)(3), they were a 501(c)(3) entity that was  
9 eligible to receive those kinds of funds.

10 Q. But your sense was that by them doing  
11 whatever they were doing there as far as voter  
12 education it was the type of thing that that would --

13 A. I think if they did not have resources to



14 provide the voter education and voter mobilization, a  
15 significant population in that district would be  
16 deprived of having access to the issues before  
17 election day. They would in many instances have been  
18 deprived of an opportunity to get to the polls  
19 because transportation in some instances is a barrier  
20 toward voting.

21 So clearly, if you provide resources to  
22 make that happen, then you create greater opportunity  
23 for voter participation. And my experience during my  
24 elective office since 1969 is that you have to have  
25 those kind of resources especially in the minority

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1 community to maximize voter turnout.

2 Q. When the voters turn out in the situations  
3 you just described, how do you know they are going to  
4 vote for Congressman Hilliard?

5 A. Oh, you don't, you don't. What we're  
6 looking for is turnout, and I think in every instance  
7 if you look at the numbers, they indicate that more  
8 people turn out, you know. In my instance my  
9 candidate lost, but I also look at the fact that more  
10 people came out to vote, so obviously the people  
11 spoke, but I think had we not had resources there  
12 encouraging people to go out and vote, participation  
13 would have been down.

14 Q. Okay. Let me ask you this: Have you  
15 raised funds, soft money funds for state or local  
16 parties, political parties?

17 A. Yes.

18 Q. Can you tell me the name of some of those  
19 political parties?

20 A. Well, Democratic Party, State of  
21 Mississippi, the local county Democratic Executive  
22 Committees in Mississippi. I have 24 counties that I  
23 represent, we raise quite a bit of money either  
24 through state parties or through the DS -- I mean  
25 DCCC, which gets funneled down to work for voter

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1 turnout. We have a fund-raiser next week,  
2 Congressional Black Caucus in DCCC looking for soft  
3 money opportunities to help the voter turnout this  
4 election, November 5th.

5 So it is not unusual to participate in  
6 fund-raising activities, but it's an opportunity  
7 especially in the minority community that we see  
8 encouraging voter turnout and voter participation.

9 Q. So is the soft money you raise with  
10 respect to the state party, is that mainly used for  
11 the get out the vote and --

12 A. Election opportunities, sure.

13 Q. Is there any other uses that the money is  
14 put to?

15 A. Not to my knowledge.

16 Q. How about redistricting efforts?

17 A. I really wish it had been. I paid out of  
18 my campaign fund my redistricting cost.

19 Q. I see.

20 A. I'm sure there are none in those places.  
21 And I -- well, let me take that back. We hired for  
22 Congressional Black Caucus's Political Action  
23 Committee soft money account a redistricting expert  
24 who worked for six months on redistricting in the  
25 members' districts, helping me draw congressional

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1 lines. So we did have someone that was paid out of  
2 the Political Action Committee soft money account to  
3 do redistricting.

4 Q. And that's out of the Congressional Black  
5 Caucus?

6 A. Um-hum, that's correct.

7 Q. Did that bell mean --

8 A. No, that was my cell phone -- wrong bell.

9 Q. I just want to be sure.

10 A. All right.

11 Q. Do you have any input with respect to the  
12 state party as to what soft money is used for?

13 A. No. My basic interest has been to try to  
14 identify resources for the party to do its  
15 activities, I've not tried to participate in  
16 directing them once the resources are made available.

17 Q. Do you know how decisions are made at the  
18 state party concerning how soft money is spent?

19 A. No, no.

20 Q. So you're not involved in that process at  
21 all?

22 A. No.

23 Q. And you're not aware of what goes on as  
24 far as how the decisions are made?

25 A. I don't participate, but I do know that a

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1 lot of the resources are directed at low income  
2 minority communities who would tend to go vote if  
3 they felt there were a reason to vote. And my  
4 experience is that if you can get low income minority  
5 voters to go to the polls, they will in fact vote the  
6 right way.

7 Q. By the right way, what do you mean by  
8 that?

9 A. For their particular issues.

10 Q. Okay. Let me ask you this: You mentioned  
11 earlier the DCCC, Democratic Congressional Campaign  
12 Committee?

13 A. That's correct.

14 Q. Have they donated hard money to your --

15 A. Hard money?

16 Q. Yes.

17 A. Hard and soft, when I first ran.

18 Q. When you first ran?

19 A. Um-hum, after you get here, you know, they  
20 tend to look elsewhere to try to get other people to  
21 get elected. So they spend the majority of their  
22 efforts on helping elect members to Congress. My  
23 experience has been once you get here, you know,

24 you're kind of on your own to stay here.

25 Q. Would it be fair to say that they are

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1 looking for the competitive races?

2 A. I think they are looking for competitive  
3 races, but they are also looking obviously to, just  
4 like RNCC is -- just trying to keep your party in  
5 power and the best way you can do that is by electing  
6 people to that party. They spend a lot of their time  
7 identifying open seat opportunities in Congress, as  
8 well as seats that they believe potentially could be  
9 put in the Democratic column, if in fact the  
10 resources were made available to those candidates.  
11 And a lot of those resources from the DCCC come from  
12 soft money sources.

13 Q. And so just because a Democratic candidate  
14 is running for Congress, let's say for instance  
15 against a Republican incumbent --

16 A. Unless there was some polling data or  
17 something that would say that race was well within  
18 reach of victory, you would not see a lot of  
19 resources directed toward that race.

20 Q. And when they do direct their resources  
21 towards a race, how do they typically do that?

22 A. Resources are made available, the  
23 recording studio is made available to the candidate  
24 for cutting of commercials, staff time is made  
25 available for working on issues related to the

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1 candidate. Sometimes they even encourage the  
2 candidate to do the things that have been known to  
3 help, but I think they work parallel to the campaign  
4 and it's not directly with it, especially with the  
5 soft money opportunities. I think they just look at  
6 the race, make a decision and go with it.

7 Q. Do you know do they use soft money to run  
8 television advertisements?

9 A. I think that -- yes, I think they do it  
10 independent of the candidate's knowledge, but I'm  
11 convinced that they wouldn't be in business if they  
12 weren't trying to help elect Democrats, but I think  
13 clearly they do it in a manner that that candidate  
14 does not direct any of the resources or how much time  
15 is bought or what have you.

16 Q. Let me ask you this, again in regard with  
17 the DCCC, have you ever been involved in fund-raising  
18 on their behalf?

19 A. Yes.

20 Q. In what way?

21 A. In attending events sponsored by the DCCC,  
22 if you interpret that as on their behalf, then yes.

23 Q. So you've attended for example  
24 fund-raising dinners?

25 A. Um-hum, yes.

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1 Q. Have you ever made solicitations asking  
2 people directly for money?

3 A. Yes.

4 Q. Have those solicitations -- have you like  
5 called people or how does that work?

6 A. For me, it's been encouraging people to  
7 support the DCCC through their contributions. Many  
8 times its at the event themselves. You are generally  
9 provided information on who's attending, what their  
10 past giving to the entity has been and encourage  
11 those individuals to do as much, if not more on  
12 behalf of the DCCC.

13 So clearly the staffing of the  
14 organization provides the support necessary for  
15 members to work solicitations. Some members do call,  
16 work the phones, but generally that's been a  
17 responsibility of people who are on committees or  
18 people who are in ranking positions or in positions  
19 of leadership.

20 Q. So are you saying that they don't --

21 A. I'm saying --

22 Q. Or they only ask those positions to do the  
23 --

24 A. Well, my understanding is that if you're  
25 in leadership you are asked to raise a certain amount  
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1 of money toward the DCCC. If you are a ranking  
2 member, you are asked to raise a certain amount of  
3 money. If you serve on an exclusive committee, you  
4 are asked to raise a certain amount of money. And  
5 those resources go toward the combined support of  
6 activities of Democratic Congressional Campaign  
7 Committee.

8 Q. And when you say when you're on leadership  
9 or on an exclusive committee you're talking  
10 leadership in the party caucus?

11 A. Oh, yes, Democratic Caucus. Dick  
12 Gephardt, Nancy Pelosi, Martin Frost, those  
13 individuals.

14 Q. And when you say exclusive committee?

15 A. Commerce, Ways and Means, Appropriations.

16 Q. Some of the more powerful committees?

17 A. You have to pay to be on the committee.

18 Q. And by pay you mean?

19 A. You have to raise money. There is a  
20 direct correlation in the minds of the party that  
21 committee assignments is very crucial towards the  
22 ability to raise money. And if you look at the  
23 members in Congress who are successful at raising  
24 money, they are either leadership or exclusive  
25 committees or hold some ranking position on  
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1 committees.

2 Q. So your position is that the Congressman's  
3 fund-raising abilities have an impact on his ability  
4 to get these leadership positions?

5 A. No. I'm saying if you get them, the  
6 expectation is that you will participate in the  
7 fund-raising.

8 Q. And the DCCC, you didn't phrase it this  
9 way, but you said persons of leadership positions are  
10 expected to raise certain amounts of money.

11 A. That's correct.

12 Q. So is that like a quota system or do you  
13 know?

14 A. I don't know what it is, but you know,  
15 that's -- all members, all Democratic members of  
16 Congress are required either to membership dues or  
17 fund-raising, help support the activities of the  
18 Democratic Congressional Campaign Committee. If  
19 you're on a committee that's considered exclusive,  
20 you are charged with raising more money than a member  
21 who is not on an exclusive committee. If you have a  
22 ranking committee status, you are required to raise  
23 more money than just a member on that committee. And  
24 if you're in an elected leadership position you're  
25 required or expected to raise money commensurate with

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1 that leadership position.

2 Q. And what if you don't do that?

3 A. Well, I don't think you get in the book of  
4 black deeds, but obviously you have to support the  
5 party, and expectations are that you will do that. I  
6 don't know of any penalty.

7 Q. Do you know does the DCCC to your  
8 knowledge keep any sort of record or credit or tally  
9 of amounts that members raise?

10 A. They provide the entire Democratic Caucus  
11 with the amounts of money raised by name of every  
12 Democratic member of Congress.

13 Q. They circulate that list?

14 A. At the Democratic Caucus meeting.

15 Q. Why do they do that? I mean why would --

16 A. You'd have -- I don't know why they do it,  
17 they do.

18 Q. All I'm asking is your knowledge.

19 A. They do it.

20 Q. Say if they give you the list or whatever,  
21 is there any expectation that you're going to do  
22 something with that list?

23 A. I'm sure there is, but I've not seen it  
24 make much difference in passing it out. People will  
25 either do it or they won't.

0029

1 Q. Do you perceive that like a tactic to  
2 encourage people to raise more money or what?

3 A. Well, I think it's a method used to let  
4 people know that if the DCCC is going to be  
5 successful all members should participate.

6 Q. Congressman, if I could, let me ask you  
7 some questions about your activities in the  
8 Congressional Black Caucus. You mentioned that you'd  
9 raised soft money on behalf of the Congressional  
10 Black Caucus PAC; is that correct?

11 A. We have a federal and non-federal account,  
12 that's correct.

13 Q. Federal and non-federal account that are  
14 part of the PAC?

15 A. That's correct.

16 Q. And so I take it you've raised both hard  
17 and soft money for the PAC?

18 A. That's correct.

19 Q. The -- can you give me some description of  
20 your soft money raising activities on behalf of the  
21 Congressional Black Caucus, what kind of activities  
22 you've encouraged and that sort of thing?

23 A. Just like most people on the hard money  
24 side, you call individuals that you think would  
25 identify with the voting record of Congressional

0030

1 Black Caucus and you solicit their financial support  
2 on a hard money side.

3 On the soft money side we've done a number  
4 of events in conjunction with the political action  
5 committee, I have conducted the Tunica, T-u-n-i-c-a  
6 fund-raising event every August for the last three  
7 years for the political action committee. And it has  
8 been an event that has provided soft money resources  
9 for the PAC.

10 (Buzzer sounding.)

11 MR. HENRY: Can we continue or --

12 THE WITNESS: I'm going to have to go, it  
13 is probably going to take about 30 to 35 minutes to  
14 finish all of this.

15 MR. HENRY: Whatever is --

16 THE WITNESS: And I'll come right back.

17 MR. HENRY: So we'll stop now?

18 THE WITNESS: Yes.

19 (Recess.)

20 BY MR. HENRY:

21 Q. Congressman, you understand you're still  
22 under oath, it is just a continuation.

23 A. Yes.

24 Q. I think when we left off you were about to  
25 tell me about the Tunica?

0031

1 A. The Tunica event is a fund-raiser under  
2 the sponsorship of the Congressional Black Caucus's  
3 Political Action Committee and that is one of the  
4 events we use to raise funds to support incumbent  
5 members of the Congressional Black Caucus and other  
6 members as deemed appropriate who are either seeking  
7 reelection to Congress or aspiring to be members of  
8 Congress.

9 Q. And Tunica refers to Tunica, Mississippi?

10 A. Tunica County, Mississippi.

11 Q. Okay. And I believe you'd indicated  
12 earlier that these are annual events?

13 A. We've had three.

14 Q. Three?

15 A. Um-hum.

16 Q. And the latest one was just this past  
17 August?

18 A. That's correct.  
19 Q. And it's in August?  
20 A. Every year.  
21 Q. And where are the events typically held?  
22 A. The destination is in Robinsonville,  
23 Mississippi, which is a small unincorporated  
24 community in Tunica County. The venue tends to be  
25 two casinos in the Tunica County, Mississippi area,

0032

1 primarily Grand Casino and Horseshoe Casino.  
2 Q. And can you tell me what's involved in the  
3 events?  
4 A. Well, it is a three-day event where we  
5 provide opportunities for the general public to meet  
6 members of Congress, both informally and in formal  
7 settings. The formal settings are devoted primarily  
8 to workshops and legislative seminars or policy going  
9 on in Washington, receptions are held in the evenings  
10 along with entertainment, there is a golf event  
11 associated with it and a sporting clays event  
12 associated with it.

13 Q. A sporting --

14 A. Well, that's where you shoot guns.

15 Q. A sporting --

16 A. Clays. And individuals who come pay their  
17 own way to come and they have levels of sponsorship  
18 for participation. Sponsorship goes from individual  
19 in the public paying for a room and board along with  
20 registration fees to sponsorship for various  
21 activities. It could be sponsorship of a hole for  
22 the golf tournament, it could be sponsorship of one  
23 of the supporting clay shooting sites, as well as  
24 underwriting some of the meals associated with the  
25 event.

0033

1 Q. And can you give me an idea of what those  
2 various levels of sponsorship typically cost?

3 A. Platinum is \$50,000, that's the highest  
4 level of sponsorship, all the way down to \$100.

5 Q. And the platinum level sponsors and other  
6 kind of big sponsors I'll call it, are they typically  
7 individuals or businesses or how does that work?

8 A. Businesses.

9 Q. So the events are raising soft money?

10 A. Soft money primarily.

11 Q. Primarily.

12 A. But there are hard money opportunities,  
13 but the primary numbers associated with that event  
14 come out in soft monies.

15 Q. And how do you obtain sponsors?

16 A. Solicitations, either through the mail,  
17 phone calls, any other method we can. It's a primary  
18 responsibility -- we hire a consultant to assist us  
19 in doing it. Logistically she handles a lot of the  
20 coordinating of the event, but a lot of it is based  
21 on members of the Congressional Black Caucus's  
22 relationship with people in particular areas of

23 interest.

24 Q. And what do you mean by particular areas  
25 of interest?

0034

1 A. It could be education, it could be  
2 pharmaceuticals, it could be airline industry. So  
3 basically members of the caucus serve on all the  
4 committees and we try to engage our entire membership  
5 in identifying possible supporters of this event,  
6 like all other members of Congress.

7 Q. Now, when you say that the Congressional  
8 Black Caucus members are on the committee, are you  
9 referring to the committees in Congress?

10 A. In Congress, that's correct.

11 Q. And so is the solicitation for  
12 sponsorships and that sort of thing done by members  
13 of the caucus, the Congressional Black Caucus?

14 A. Sometimes.

15 Q. Not all the time?

16 A. Not -- we have a consultant who is a  
17 primary agent for the caucus in this event, but  
18 sometimes we are asked to participate in meet and  
19 greet opportunities, sometimes we are asked to make  
20 phone calls, sometimes we are asked to contact  
21 individuals encouraging them to give serious  
22 consideration to coming to the event.

23 Q. Have you made phone calls in connection  
24 with these events?

25 A. Yes.

0035

1 Q. Do you recall any of the businesses or  
2 individuals you've called concerning possible  
3 sponsorship?

4 A. I probably called 100 businesses. I  
5 generally take a list and call and ask them for their  
6 participation.

7 Q. And how is that list generated?

8 A. It is a computer generated list of  
9 traditional Democratic contributors.

10 Q. And do you compile that list or does  
11 someone compile it for you?

12 A. Well, we've now compiled the list, but it  
13 is readily available, you can purchase the list, you  
14 can -- with a little ingenuity you can get it off the  
15 Internet now.

16 Q. And is the same list provided to every  
17 one, is it like divided?

18 A. It's available, it's available.

19 Q. But I mean as far as your fund-raising  
20 efforts, do you concentrate on any particular part of  
21 the list?

22 A. No. Traditionally people who are in the  
23 fund-raising business maintain a list. And over the  
24 years you will find that list, sometimes you will  
25 find it up, sometimes you will find it down, it's

0036

1 just based on your success in fund-raising, but it's



2 a work in progress as long as you are in elective  
3 office from my vantage point.

4 Q. So you have some input into who you call  
5 on the list; is that what you're getting at? I'm a  
6 little unclear.

7 A. Well, yeah. Obviously I am more familiar  
8 with some individuals than I am others and if there  
9 are names on the list that I feel comfortable in  
10 calling, then I do it. If there are names on the  
11 list that I might not feel comfortable, I may or may  
12 not call, but it is traditionally members of Congress  
13 spend an inordinate amount of time raising money,  
14 especially those in the House of Representatives  
15 because they run every two years and elections are  
16 expensive and because of the expenses involved, you  
17 have to have resources to run an effective election.

18 Q. And with respect to the amounts that are  
19 raised in these Tunica events, typically how much do  
20 you raise or does the event raise?

21 A. Well, basically we raise somewhere between  
22 500 and \$800,000.

23 Q. And does all that money goes to the  
24 Congressional Black Caucus PAC?

25 A. PAC, right.

0037

1 Q. I believe you said before it's a mix of  
2 hard and soft money?

3 A. Soft money, that's correct.

4 Q. Would you characterize it as primarily  
5 soft?

6 A. Soft, yes.

7 Q. You mentioned the various -- some of the  
8 sponsorship levels. Let me ask you, a platinum level  
9 sponsor I think you mentioned --

10 A. Yes.

11 Q. -- you said it was \$50,000 sponsorship  
12 level. What do they receive?

13 A. That person would receive tickets to all  
14 the activities going on that three days, they would  
15 receive VIP housing which would primarily be a suite,  
16 they would have an opportunity to meet with key  
17 committee members in the Congressional Black Caucus,  
18 they will have an opportunity to participate in  
19 activities of either golf or sporting clays, with the  
20 better skill individuals. So if you were a golfer,  
21 you will get an opportunity to play with one of the  
22 better golfers in the caucus, if you were a hunter,  
23 you would get a chance to shoot with me.

24 Q. So you're a good shot?

25 A. No brag, just fact. Yes, I love to hunt.

0038

1 Q. And do the sponsors, are they able to  
2 request that they be allowed to shoot with you or  
3 play golf with someone else?

4 A. Well, normally golf is a foursome and we  
5 try to make up the foursome to some degree based on  
6 individual preference. If there is no preference, we

7 work it out; if there is, we try to accommodate the  
8 individual.

9 Q. When you say the individual, you're  
10 talking about the sponsor?

11 A. The sponsor. I am told that's pretty much  
12 how it is done at any fund-raising event.

13 Q. You say you're told, are you aware that  
14 that's done at other fund-raising events?

15 A. Yes, yes.

16 Q. By other events you're talking about --

17 A. Republicans, Hispanics, women caucuses, is  
18 a sort of understood to be standard operating  
19 procedure.

20 Q. And when you are involved in the events,  
21 the Tunica affairs, are you aware that certain people  
22 are the sponsors and their level of sponsorship and  
23 that sort of thing?

24 A. Yes.

25 Q. And do other members besides yourself I

0039

1 take it participate in the events?

2 A. Yes. We had in Tunica 24 members of the  
3 Black Caucus and eight other members of Congress who  
4 came.

5 Q. And are those members who participated in  
6 the events, are they also aware of who the sponsors  
7 are and that sort of thing?

8 A. Probably only the members of the PAC board  
9 who happen to be members of the Congressional Black  
10 Caucus have any direct knowledge of the level of  
11 participation.

12 Q. Let me ask you this: The money that's  
13 raised under the Tunica events, what is it typically  
14 used for?

15 A. It's used for office, for rent for the  
16 Congressional Black Caucus's office, we pay staff,  
17 but also we support candidates with the hard money  
18 and we support eligible organizations with soft money  
19 contributions.

20 Q. Does the CBC make soft money con -- or  
21 expenditures --

22 A. Yes.

23 Q. -- itself?

24 A. Yes.

25 Q. And typically what does it spend that

0040

1 money for?

2 A. Voter education, voter transportation,  
3 redistricting, we also have taken ads out in  
4 newspapers across the country, encouraging people, we  
5 have bought lapel pens encouraging people to vote, we  
6 sponsored get out the vote rallies all over the  
7 country, we might pick up transportation costs for  
8 individuals who would go to that. We have pretty  
9 much limited ourselves to those activities.

10 Q. Are any of those funds spent on get out  
11 the vote activities or other -- the types of

12 activities you mentioned in Mississippi?

13 A. No.

14 Q. None at all?

15 A. I've never had any contribution from that  
16 PAC in Mississippi.

17 Q. Okay. How about with the soft money  
18 expenditures?

19 A. No soft money either. I've always worked  
20 with other groups in other states for activities  
21 to get out the vote.

22 I have worked with soft money operations  
23 through the PAC in other states. I just haven't done  
24 it in Mississippi, but there have been soft money  
25 expenditures in Mississippi made by other entities

0041

1 that I'm not affiliated with.

2 Q. I see. And you mentioned earlier that  
3 some of the money that's raised is used to support, I  
4 believe you said eligible organizations. And what  
5 kind of organizations are you talking about?

6 A. Traditionally it could be a 501(c)(3)  
7 organization or some other organization identified  
8 under the law that's eligible to receive soft money.  
9 It could be a Masonic order, it could be a nonprofit,  
10 it could be a limited purpose agency. A lot of it  
11 has historically been done on a case-by-case basis.

12 Q. What type of activities are you  
13 supporting?

14 A. Through the PAC?

15 Q. Yes.

16 A. Voting education, ballot security  
17 measures, transportation, media associated with  
18 encouraging people to get out to vote as well as  
19 rallies and similar type events.

20 Q. I'm going to ask you this, you mentioned  
21 the events are held at, I believe you said one or two  
22 casinos.

23 A. Um-hum.

24 Q. Is that right --

25 A. They are the two platinum sponsors.

0042

1 Q. The casinos themselves are sponsors?

2 A. Right, right.

3 Q. So they donate \$50,000?

4 A. Um-hum, um-hum.

5 Q. Is that usually in cash?

6 A. Cash? As in check.

7 Q. I'm wondering do they donate like  
8 facilities since you're holding the event there?

9 A. No, no. We pay for the rooms and meals  
10 and whatever. We just -- because they serve as the  
11 platinum sponsor, we have agreed to host the event at  
12 their facilities.

13 Q. And let me ask you this: When you're  
14 soliciting folks to be a platinum sponsor, how do you  
15 convince them that they should give you \$50,000?

16 A. Well, for me it is easy. I represent

17 Tunica County, Mississippi and before casino gaming  
18 came to Mississippi and more specifically to Tunica  
19 County, it had the highest unemployment rate in the  
20 state and one of the highest unemployment rates in  
21 the nation. It now, because of casino gaming, is one  
22 of the lowest unemployment rate counties in the  
23 nation. Our oldest public school now is only four  
24 years old and we have significant job training and  
25 other services available to constituents that

0043

1 otherwise would not be there.

2 So it is an opportunity for me to show off  
3 a success story in my district, but also it's an  
4 opportunity to raise monies to further the ability of  
5 the Black Caucus and other elected officials to get  
6 the message out.

7 Q. So I'm trying to understand what you said  
8 here. So is the casino willing to provide the  
9 \$50,000 sponsorship to show their support or --

10 A. It is just like any other business who  
11 believes in a product. Historically members of the  
12 Congressional Black Caucus have been very supportive  
13 of gaming as an industry. What we tried to do is  
14 show that gaming, if properly regulated, can make a  
15 difference in a community. And we're of the opinion  
16 that Tunica County, Mississippi is the best example  
17 in the country.

18 It is considered now a destination point,  
19 employment is not a problem any longer, we now have a  
20 hospital, medical care and a lot of other things that  
21 we lost because of the poverty and lack of  
22 employment, we've regained it. So I'm happy to show  
23 it off.

24 But also it's business and that business  
25 has been a good corporate citizen in our community

0044

1 and gaming, like many other things, is a choice. So  
2 either you can say, I'll go to the casino because the  
3 food's good or you say, I go because the rooms are  
4 large and inexpensive, but for whatever reason you  
5 go, you go and if you don't go, it's a choice, but  
6 it's a business. And this particular part of my  
7 district, it's the largest revenue producer that I  
8 have.

9 Q. Let me ask you: What other types of  
10 businesses are platinum sponsors?

11 A. Those are the only two.

12 Q. The gaming and?

13 A. Two gaming.

14 Q. The two?

15 A. Right.

16 Q. So the two casinos are the only platinum  
17 sponsors?

18 A. Right.

19 Q. What's the next sponsorship level down?

20 A. \$25,000.

21 Q. And what types of businesses?

22 A. Insurance, labor are the two that come to  
23 mind.

24 Q. And can I ask you, at a \$25,000  
25 sponsorship level what do they receive?

0045

1 A. You would probably receive tickets to all  
2 the events, they won't be the type tickets that a  
3 platinum sponsor will see, but they will be the next  
4 best tickets in the house for entertainment. You  
5 won't receive as many tickets for other events going  
6 on but they will receive a number. Your housing  
7 would not encompass some of the best housing, it's  
8 the next best housing that's available, but also you  
9 would still have that opportunity to meet members of  
10 Congress and discuss whatever issue you happen to  
11 have as an industry issue or a personal issue.

12 Q. And the platinum sponsors, the \$25,000  
13 sponsors, these companies, is there a type of person  
14 they usually send to these events or is it usually  
15 like the CEO or --

16 A. No, we've had CEOs of companies, we've had  
17 government affairs employees of companies who --  
18 (Interruption by a telephone call.)

19 BY MR. HENRY:

20 Q. So I believe you were talking the types of  
21 people that come to the --

22 A. There is no -- it could be the owner of a  
23 company, it could be the CEO, it could be chairman of  
24 the board, I've seen all of them at the events.

25 Q. How many of the \$25,000 sponsors do you

0046

1 typically have; do you know?

2 A. To the best of my recollection, four or  
3 five.

4 Q. So if we're talking two platinum sponsors,  
5 that's 100,000 and four or five of the \$25,000,  
6 that's a couple hundred thousand and I believe you  
7 said that these events raised in the \$800,000 range  
8 so the other 550 or 600,000 comes from --

9 A. From an individual who heard about the  
10 event, it is open to the public, there is a \$1,000  
11 registration fee and you can participate. So I would  
12 say that attendance is somewhere between 400 and 500  
13 people all totaled.

14 Q. Going back to the \$25,000 sponsors I  
15 believe you mentioned insurance and labor as a couple  
16 of industries that do that. Let me ask you this, do  
17 you know why they choose to sponsor at that level?

18 A. Well, no. I wish they'd do more. The  
19 best I can gather is it's a business decision on  
20 their part that they can do it. Most of the people  
21 that I've talked to who attended appreciate the  
22 opportunity of getting a chance to sit up and talk  
23 with members of Congress for a period of time that's  
24 not rushed and generally they can complete a  
25 conversation because it's over a three-day period and

0047

1 a lot of our members make the sacrifice to come and  
2 we generally enjoy the relationship and networking  
3 opportunities that come because of this event.

4 Q. Let me ask you this for clarification: Do  
5 you hold an office in the Congressional Black Caucus  
6 or a position?

7 A. In the PAC?

8 Q. Oh, yes, I'm sorry.

9 A. Not anymore, at one point I served as  
10 chairman of the PAC.

11 Q. Chairman.

12 A. Yes, I don't now --

13 Q. And let me ask you this, the Tunica  
14 events, are they the largest fund-raising event?

15 A. Yes.

16 Q. For the Congressional Black Caucus?

17 A. Yes.

18 Q. Would you say from your experience that  
19 members of the Congressional Black Caucus have been  
20 large soft money fund-raisers?

21 A. Not large soft money fund-raisers. I  
22 would say that the ability to get elected and the  
23 ability to stay elected depends on soft money support  
24 to help identify the issues in the districts and  
25 because those resources are there and to the extent  
0048

1 that they are available, you can generally correlate  
2 voter turnout and participation based on hard and  
3 soft money contributions.

4 I would say that many minority and low  
5 income voters, if we did not have opportunities for  
6 soft money education for transportation and other  
7 issue advocacy, we would probably not have many of  
8 those individuals participating and voting on  
9 election day.

10 Q. Let me ask you this: Do you think the  
11 fund-raising abilities or lack thereof or however you  
12 want to characterize it of a member of the  
13 Congressional Black Caucus affects their ability to  
14 attain leadership positions in the Democratic Caucus  
15 as a whole?

16 A. I think it is the reverse. I think if you  
17 get a choice committee assignment, then there is a  
18 greater likelihood with that committee assignment  
19 that you can obtain a leadership position because  
20 with that committee assignment comes the ability to  
21 raise money.

22 Q. And that ability is just because you're --  
23 you had more exposure?

24 A. If I'm on Ways and Means, if I'm on  
25 Commerce, if I'm on Appropriations then I have under  
0049

1 the fund-raising scenario a greater likelihood of  
2 raising more money.

3 Q. And why do you think that? Just to repeat  
4 the question: Why do you think you have a greater  
5 likelihood to raise more money?

6 A. Ways and Means is the tax writing  
7 committee for this country. Commerce primarily  
8 regulates just about every industry in this country  
9 and Appropriations spends all the money that all  
10 those other committees raised.

11 And generally speaking people who come  
12 talk to members of Congress come asking them for  
13 support for their particular projects or issues and  
14 in many instances those three committees at some  
15 point will be able to either spend the money or  
16 create the opportunity to raise the money and so  
17 therefore it plays a significant role in the ability  
18 to raise money.

19 Q. And so these regulated businesses or the  
20 folks that are coming to talk to members of Congress,  
21 they are more likely to give money to --

22 A. People who sit on those committees?

23 Q. Yes.

24 A. That's correct.

25 Q. Let me ask you a few closing questions and

0050

1 we'll be done in just a few minutes here, do you know  
2 if any minors, I mean someone under 18 years of age,  
3 has donated to your campaigns in the last couple of  
4 cycles, do you know?

5 A. Yeah.

6 Q. They have?

7 A. They have.

8 Q. Do you know how many?

9 A. No.

10 Q. Or what level of --

11 A. Well, I have five historically black  
12 colleges in my district, I have three primarily white  
13 colleges in my district. If I look at the voter  
14 turnout in those precincts, I do very well. If I  
15 look at activities generating money from those  
16 college-sponsored events they are primarily the  
17 students on those campuses. I would not want to deny  
18 them the opportunity. I encourage young people to  
19 participate in the process when they get to be 18 as  
20 a voter. But if they choose to do fund-raisers and  
21 other things on behalf of candidates, I don't think  
22 they should be prohibited from doing that.

23 Q. Do you know for a fact that minors have  
24 contributed to your campaign?

25 A. Minors?

0051

1 Q. Yes.

2 A. I know -- yes.

3 Q. The reason I ask is your last answer you  
4 were characterizing it in terms of voter turnout and  
5 colleges and stuff.

6 A. Well, let me give you an example, on many  
7 of the college campuses they hold rallies, raise  
8 money to help support vehicles to transport people as  
9 far -- or back home to vote on election day. As I  
10 understand this law, those kinds of monies raised

11 would be illegal if they are raised by -- because it  
12 is soft money and I just think that that should not  
13 be. If young people want to raise money and  
14 encourage other people to go broke then they should  
15 be allowed to do so.

16 Q. Just a couple of other questions, do you  
17 know who Antonio Harrison is?

18 A. Yes.

19 Q. Can you tell me what you know about him?

20 A. Antonio Harrison was the first black state  
21 representative from Alabama, he was elected in the  
22 mid-70's. When I decided under duress to run for  
23 Congress, he was one of the first persons I called  
24 and asked for advice. And I respect his ability as a  
25 former elected official in Alabama, I respect his

0052

1 ability as someone who is knowledgeable of election  
2 processes and someone who would, I think, be a good  
3 witness in this lawsuit.

4 Q. Has he played a role, official or  
5 otherwise, in your campaign?

6 A. Yes.

7 Q. And what role is that?

8 A. He at the time had a group called the  
9 Electoral Participation Project.

10 Q. What time was this?

11 A. That was in 1993. That project was  
12 sponsored by a group, the Southern Regional Council.  
13 And he primarily worked toward increasing the  
14 minority election opportunities in this country,  
15 either through congressional or legislative  
16 redistricting. But also he provided advice on how to  
17 get the vote out, advice on making sure that issues  
18 were raised in campaigns. And to my knowledge he's  
19 been a good grassroots type person.

20 Q. Does he play a role in your current  
21 campaign?

22 A. No.

23 Q. When is the last time he played a role in  
24 your campaign?

25 A. Actually, Antonio Harrison is a friend,

0053

1 but other than conversations from time to time about  
2 what's going on in the country, he's basically taken  
3 on the role of trying to go and help other people get  
4 elected. He sort of takes a position that once  
5 you're here, you know, you ought to know enough to  
6 stay.

7 Q. Do you know Marilyn Hansel?

8 A. Yes.

9 Q. And who is she?

10 A. She is the Chancellory Clerk for  
11 Washington County, Mississippi and the former  
12 Democratic Executive Committee for Washington County,  
13 Mississippi. And until March of this year, she  
14 worked on my congressional staff.

15 Q. And what does she do now?



16 A. She is the chancellory clerk, elective  
17 office.

18 Q. I see. And so she worked on your  
19 congressional staff?

20 A. Right, until May.

21 Q. Until May. And so did she have any  
22 campaign responsibilities in prior campaigns?

23 A. She's the county Democratic Chairman for  
24 Washington County, Mississippi that obviously  
25 conducts the Democratic primary and she's worked on  
0054

1 behalf of a number of other candidates in her prior  
2 experiences and she would have some knowledge of  
3 elections and what it takes to be effective.

4 MR. HENRY: I think I'm done with the  
5 direct.

6 EXAMINATION BY COUNSEL  
7 FOR ADAMS PLAINTIFFS

8 BY MR. BONIFAZ:

9 Q. Good afternoon again, Congressman.

10 A. Good afternoon.

11 Q. My name is John Bonifaz, I'm the director  
12 of the National Voting Rights Institute based in  
13 Boston, Massachusetts, and I serve as co-counsel for  
14 the plaintiffs in Adams, et al., v. FEC, which is one  
15 of the 11 consolidated cases along with yours dealing  
16 with provisions of the Bipartisan Campaign Reform  
17 Act.

18 The plaintiffs in this case include  
19 Victoria Jackson Gray Adams, the lead plaintiff whom,  
20 as you may know, led the fight with Fannie Lou Hamer  
21 to challenge the seating of the all white Mississippi  
22 delegation in 1964. And she is joined by a number of  
23 other voters across the country in challenging the  
24 hard money limit increases in the McCain-Feingold  
25 law, Bipartisan Campaign Reform Act.

0055

1 In addition to these individual voter  
2 plaintiffs, the Fannie Lou Hamer Project is an  
3 organizational plaintiff, which is an organization  
4 dedicated to redefining the campaign finance and  
5 civil rights issue. The U.S. Public Interest  
6 Research Group and a number of other state-based  
7 PIRGs are also organizational plaintiffs as is Acorn,  
8 a poor people's advocacy organization as you may  
9 know, and a few former candidates for Congress,  
10 including former Congressman Peter Kostmayer.

11 The challenge that these plaintiffs have  
12 raised focuses solely on the hard money limit  
13 increases and my questions today are going to focus  
14 solely on those issues.

15 So for starters, I'd just like to  
16 introduce as an exhibit for background purposes the  
17 complaint in this case. Mark it as Thompson 2.

18 (Thompson Exhibit No. 2 was  
19 marked for identification.)

20 BY MR. BONIFAZ:

21 Q. To turn your interest to page 3, paragraph  
22 1. I'm going to read this into the record and ask  
23 you to comment.

24 A fundamental principle of democracy, rule  
25 by the people, is that all the people must have equal  
0056  
1 opportunity to participate in the electoral process.  
2 The multiple provisions of the Bipartisan Campaign  
3 Reform Act of 2002 that increase hard money  
4 contribution limits threaten to undermine this  
5 fundamental principle of democracy as guaranteed by  
6 the equal protection guarantee, incorporated by the  
7 due process clause of the Fifth Amendment to the U.S.  
8 Constitution.

9 Paragraph 2, by dramatically increasing  
10 the maximum hard money contributions that donors may  
11 make, the BCRA allows the voices of the few to drown  
12 out the voices of the many thereby precluding a large  
13 segment of the voting populus from commanding a  
14 candidate's attention to issues that concern them,  
15 rendering them voiceless and without influence in the  
16 political process and denying their right to equal  
17 participation in the electoral process. Similarly,  
18 the Millionaire Amendment denied the right to equal  
19 participation of candidates with high levels of  
20 grassroots support but without access to large  
21 contributors.

22 Paragraph 3, by creating these economic  
23 obstacles to equal participation in the political  
24 process, the multiple BCRA provisions, the increased  
25 hard money contribution limits violate the equal

0057  
1 protection guarantee incorporated by the due process  
2 clause of the Fifth Amendment to the United States  
3 Constitution.

4 Do you have any general comment on the  
5 complaint and the specifics of this paragraph?

6 A. In general I agree with the complaint, it  
7 creates in my mind the opportunity for those  
8 individuals either with individual wealth or with the  
9 ability to get people to write larger contributions,  
10 the ability to better finance their campaigns and  
11 many individuals in this country who would be good  
12 candidates would be severely hampered if this part of  
13 the Bipartisan Campaign Reform Act became law.

14 Q. And can you elaborate on how they would be  
15 severely hampered?

16 A. Well, generally with the hard money  
17 increase a lot of people in low and minority income  
18 communities don't have the ability to raise \$1,000,  
19 but if you double the thousand dollars to 2,000, you  
20 just created a bigger vacuum within the low and  
21 minority income community to have candidates who can  
22 run effective campaigns because they won't have the  
23 ability to raise the money. Most candidates depend  
24 on small contributions. And right now the \$1,000  
25 limit at least gives a better chance of a person

0058

1 running for office to be competitive. But if you  
2 double that, then you have greatly limited that  
3 person's ability to run an effective campaign.

4 Q. And what about the Millionaire Amendment  
5 in particular, what impact does increasing  
6 contributions up to as much as 12,000 per individual  
7 have on the ability of ordinary citizens to  
8 participate in the electoral process?

9 A. For most of the people that I know and  
10 represent, this would just absolutely render them  
11 useless and it would create a bigger barrier in their  
12 ability to run competitive races.

13 Q. The proponents of that particular  
14 amendment when it was introduced argued that it was  
15 an equalizer amendment, that it leveled the playing  
16 field. Senator McConnell in particular talked about  
17 this giving the chance for the modestly well off  
18 candidate to compete with the millionaire or  
19 multimillionaire candidate.

20 Can you comment on that argument or your  
21 view on that?

22 A. I don't agree with it.

23 Q. Why not?

24 A. Well, obviously when you can put more of  
25 your own money into a race, many of the candidates

0059

1 that I know of who are low and moderate income will  
2 be put at a disadvantage. And whether the cap is  
3 there or not, just the ability to put more hard money  
4 in the race is a deterrent to many low and minority  
5 income candidates participating and I think it sets  
6 up a double standard, one for the wealthy and one for  
7 the not so wealthy or one for -- one that would not  
8 have the resources to finance their own campaign.

9 Q. I'd like to talk a little bit about your  
10 own experience in terms of running for Congress.  
11 First, what is your sense of the average donation  
12 that you receive in your campaigns for Congress?

13 A. Generally my experience is it is somewhere  
14 between 100 and \$200.

15 Q. And is that also a median or in other  
16 words, if you put all the people in the room who were  
17 giving money from zero to a thousand, would --

18 A. Well, you know, the reporting  
19 requirements, we don't have to report it up to a  
20 certain amount --

21 Q. Right.

22 A. -- in terms of the name. But clearly a  
23 large percentage of my donations come from 5, 10, \$15  
24 contributions from individuals and from them that's  
25 giving until it hurts, so I have to do an awful lot

0060

1 of spaghetti dinners, fish fries, so those  
2 individuals can feel a part of the campaign. If you  
3 now expand the ability of the wealthy to give more,  
4 you put those individuals in districts like mine at a

5 distinct disadvantage from having any impact on the  
6 election, because now it's a matter of wealth, rather  
7 than a matter of ability to support candidates.

8 Q. What would you say in general would be the  
9 percentage of contributions you receive at the  
10 thousand dollar level?

11 A. Probably 15 percent of my overall  
12 contributions, individual contributions.

13 Q. Would you say that's typical or atypical  
14 for members here?

15 A. Atypical.

16 Q. And --

17 A. Most of them receive more, the percentage  
18 is higher.

19 Q. Right. And what is it that you have to do  
20 and what is your general knowledge of what other  
21 members have to do to raise that kind of money at  
22 that level?

23 A. Of the --

24 Q. The maximum level, \$1,000, who is  
25 giving --

0061

1 A. Well, you either have to represent a  
2 district that's significantly wealthy or you have to  
3 know a lot of people who are wealthy. And many of  
4 the people that I know, in my district and in other  
5 districts like mine, just don't know a lot of those  
6 kind of individuals, they know a few, but when you  
7 compare districts that are minority districts or low  
8 income districts, you don't have the level of  
9 thousand dollar contributions in them as you have in  
10 other districts.

11 And if you now double that ability for the  
12 contributions, then you have in my mind put those  
13 districts in greater peril because they won't have  
14 the ability to increase the thousand beyond a  
15 thousand, now it is 2,000. But for the wealthier  
16 district I'm of the opinion that it will not  
17 adversely impact them, it will increase their ability  
18 to raise more money.

19 Q. So you talked about the wealthy  
20 individuals giving this amount, but just for the  
21 record, are the people who give that maximum amount  
22 reflective of the overall population?

23 A. Of the thousand dollars?

24 Q. Yes.

25 A. Overall population of my district?

0062

1 Q. And the country, are they reflective of  
2 the overall population?

3 A. No.

4 Q. Based on your experience who are they that  
5 give that kind of money?

6 A. I think they are the wealthy. I think  
7 they are the small percentage of people who have done  
8 good and have benefited from either their business  
9 abilities or family wealth. And now they can have in

10 my mind a disproportionate impact on elections  
11 because they can give more, whereas a majority of the  
12 other individuals in this country will not enjoy that  
13 same ability because they don't have the financial  
14 resources to do it.

15 Q. And based on your campaign experience  
16 since you got elected to Congress, have you found  
17 that the thousand dollar limit provided you an  
18 opportunity to raise sufficient resources to get your  
19 message out and run an effective campaign under that  
20 thousand dollar limit?

21 A. Yes, I have found it to be at least a  
22 limit that does not pose an unreasonable threat to  
23 other candidates getting the word out, but if you now  
24 expand that, then I'm convinced that you've created a  
25 barrier toward all candidates being able to get the

0063

1 word out, especially those who serve low and moderate  
2 income communities.

3 Q. The proponents of doubling the hard money  
4 limits, as you know, argued that it was a necessary  
5 increase to deal with the increased cost of campaigns  
6 and particularly the kind of cost of living, if you  
7 will, increase. What's your response to that  
8 argument?

9 A. I don't buy that, I don't buy that. I  
10 think what you've done is created the ability of the  
11 wealthy to control politics greater, rather than  
12 giving individuals in this country the ability to  
13 participate in the process to the extent their  
14 position can't be heard. Again, it's the doubling  
15 that adversely, in my mind, impacts low and minority  
16 income communities because of their ability to raise  
17 money and in many of those districts the personal  
18 wealth is just not there for many of the candidates.

19 Q. And what would you estimate is the average  
20 amount that a citizen, an ordinary citizen in your  
21 district can contribute, can afford to contribute?

22 A. Generally we get 10, 15, \$20 contributions  
23 and if you compare those with some of the others  
24 you're still looking at somewhere around 100 to \$200  
25 average with everything there. But pushing it to

0064

1 2,000 won't really change the contributions in my  
2 district, I would pretty much be limited to whatever  
3 I have the ability to raise right now and -- but it  
4 could enhance obviously someone else who either has  
5 individual means or has a lot of wealthy friends.

6 Q. You spoke earlier today about the election  
7 race involving Congressman Hilliard and as I'm sure  
8 you know, he had an opponent who raised a significant  
9 amount of money from out of state, outside Alabama.  
10 What impact do you think the increase will have on  
11 elections like that where one candidate is able to  
12 raise significant amounts of large money from wealthy  
13 individuals around the country?

14 A. In my mind that small minority of people

15 who have that ability can significantly influence the  
16 outcome of an election simply because of their  
17 ability to contribute more money.

18 Q. And what impact do you believe it will  
19 have on the representation of those who do not come  
20 from that elite pool of donors, non-wealthy in  
21 general and the poor in particular?

22 A. Well, I think you lessen the likelihood of  
23 having a person elected who reflects the values of  
24 that district. That person, if you double the size  
25 of the money contribution, would tend to reflect the

0065  
1 values of who gave the money.

2 Q. So is it fair to say that voices of  
3 ordinary citizens will be drowned out by these  
4 increases?

5 A. In my mind, yes.

6 Q. What about the impact of the increased  
7 contribution limits on the ability of challenger  
8 candidates who do not have access to money, will this  
9 help or hurt challengers?

10 A. I think challengers are put at a distinct  
11 disadvantage in many instances unless they happen to  
12 be independently wealthy, but many times you don't  
13 have that case so a challenger having to go up under  
14 this new law would have a difficult time running a  
15 creditable campaign.

16 Q. And why is that?

17 A. I doubt if he would have the ability to  
18 raise the money or match it, with the raising of the  
19 hard money limits. I think that's a problem for a  
20 challenger.

21 Q. Is that because incumbents generally have  
22 an easier time raising that kind of money?

23 A. Incumbents have this advantage in some  
24 areas, in other areas they probably would not, but I  
25 think from the standpoint of the ability to raise

0066  
1 money, it is a problem.

2 Q. Let's talk about specifically the impact  
3 of the increased contribution limits on communities  
4 of color. What will be the impact on candidates of  
5 color of these increases?

6 A. I think this doubling of the hard money  
7 limit poses a real threat to communities of color  
8 electing a candidate of their choice.

9 Q. Why is that?

10 A. Because many times the candidate of that  
11 community's choice has a difficult time raising money  
12 and so a candidate in that community who could in  
13 fact use his own money or raise monies from the  
14 doubling of the hard money could in fact represent a  
15 community and not be an example of that community.

16 Q. Why would such candidates have a difficult  
17 time raising large sums of hard money?

18 A. The minority communities generally are not  
19 communities where you can raise a lot of money to run

20 a campaign. You raise a lot of small contributions,  
21 but you don't raise a lot of the big contributions.  
22 And most of the campaigns are generally grassroots  
23 type campaigns that are based on principle and based  
24 on that candidate's ability to be known and not  
25 really that candidate's ability to raise a lot of

0067

1 money.

2 Q. Is that also because such communities are  
3 disproportionately poorer as compared to white  
4 communities in the country?

5 A. Oh, well, I think the statistics bear that  
6 out, that minority communities from an income  
7 standpoint don't have the same income levels as the  
8 majority of white communities.

9 Q. And what about the impact on voters of  
10 color, what impact will these increased contributions  
11 limits have?

12 A. Well, I think it will have a chilling  
13 effect on voter participation, because you would  
14 obviously be threatened with candidates who have a  
15 tremendous amount of resources available to them that  
16 many minority and/or minority community candidates  
17 would not and therefore many of those communities  
18 would not see the advantage of even participating in  
19 the process, because the feeling is that this  
20 candidate has already won the election.

21 I'm sure they would have media  
22 opportunities and other opportunities that lesser  
23 funded candidates would not, and many of those lesser  
24 funded candidates are minority candidates.

25 Q. As you also know, Congressman, many public

0068

1 surveys show the voters perceive that money has an  
2 undue influence on our democratic process and that  
3 ordinary citizen voices are shut out of the process.  
4 What impact will increasing these contribution limits  
5 have on those public perceptions?

6 A. I think it will expand the public  
7 perception that by doubling the hard money  
8 contribution, money is the predominant factor in who  
9 gets elected and many times it's such a small segment  
10 of the population that has the ability to contribute  
11 at this proposed doubling level that democracy would  
12 in fact be damaged by that.

13 Q. What about the impact of increasing  
14 contributions on public policy, what will that impact  
15 be in your view?

16 A. Well, in my view many members of Congress  
17 react to those individuals who were able to  
18 contribute to their election or reelection and if now  
19 you had the ability to double many of those  
20 opportunities it could narrow the ability of the  
21 public to influence public policy and put it in the  
22 hands of a precious few who have means.

23 Q. And when you say many members react to  
24 those who contribute, are you referring to those who

25 contribute at the maximum level or near that?

0069

1 A. Yes, that's correct, at the maximum level.

2 Q. What would be the impact of the influence  
3 of wealthy donors?

4 A. Well, I think they would have  
5 significantly more access as well as influence on  
6 laws that are being made here in Washington, because  
7 their money would have significant impact on that  
8 member's decision.

9 Q. What about the impact on the  
10 representation of those at the bottom of the economic  
11 ladder, what will be the impact of increasing these  
12 contribution limits on them?

13 A. My opinion is doubling the contribution  
14 will have an adverse impact on minority and/or low  
15 income voters, as well as candidates, because it  
16 diminishes their ability to participate.

17 Q. And what impact will these increased  
18 contribution limits have on the time pressures facing  
19 elected officials running for reelection, the federal  
20 level?

21 A. Well, for members of Congress, the House  
22 of Representatives, we run every two years, it would  
23 have a significant impact on challengers because they  
24 would obviously have to raise money. But it also  
25 creates a disproportionate problem for those members

0070

1 who don't represent wealthy districts. Potentially,  
2 a wealthy candidate with wealthy friends could  
3 represent a district all together different from his  
4 philosophy or her philosophy. And it's simply a  
5 matter of being able to raise more money and get the  
6 word out.

7 Q. Another one of the arguments that the  
8 proponents of these increases put forward during the  
9 debates is that this would address the time  
10 pressures, it would somehow decrease the amount of  
11 time members of Congress have to raise money because  
12 now if you could raise it in larger amounts, you  
13 could get it more quickly.

14 How do you respond to that?

15 A. Oh, I don't agree with that. I mean  
16 you're going -- I don't know any member of Congress  
17 that says, I've raised enough money for the next  
18 campaign cycle, I'm going to stop.

19 Q. So the increases will simply exacerbate  
20 the time pressures?

21 A. I think that a member will raise as much  
22 money as he or she can until that election is over.

23 Q. And do you think the cost will continue to  
24 go up then?

25 A. Oh, I think that doubling of the hard

0071

1 money limits will only increase the ability of money  
2 being raised. I don't think it will show up in the  
3 time for money being raised, I think it will just



4 increase the total amount raised per election cycle.

5 Q. In the deposition with Congressman  
6 Hilliard, your co-plaintiff in this case, we  
7 discussed the bankruptcy legislation as one example  
8 where those with large sums of money have had  
9 influence on public policy. Would you agree with  
10 that as an example that ought to be highlighted?

11 A. Well, I think that along with industry's  
12 ability to have people here representing their  
13 interests, either by full-time lobbyists or what have  
14 you, it is always here, but resources are absolutely  
15 important to elections and if you create the ability  
16 for more resources to go into an election, you create  
17 in my mind a disproportionate opportunity for low and  
18 moderate income communities to pick the candidate of  
19 their choice. But even with that those communities  
20 are just put at a distinct disadvantage.

21 Q. Are there people who engage in trying to  
22 influence elections and the legislative process by  
23 gathering hard dollars together from different  
24 individuals or more commonly known as bundling, have  
25 you heard of that practice?

0072

1 A. Yes, yes.

2 Q. Are those people who engage in bundling  
3 able to bundle the maximum level of hard money  
4 contributions or near that, are they very influential  
5 in both the electoral process and the legislative  
6 process?

7 A. Yes.

8 Q. Why so?

9 A. Well, because they are able to move large  
10 amounts of dollars toward a particular candidate and  
11 if they are single or primarily focused on one area,  
12 that has the ability to get that candidate's  
13 attention.

14 Q. And what impact will increasing the  
15 contribution limits have on these kinds of  
16 individuals who can bundle large sums of hard money?

17 A. Well, as my understanding of the law it  
18 has no impact in that you will still have the ability  
19 to bundle.

20 Q. Right, but now they are able to bundle  
21 even more money, so will that increase their  
22 influence?

23 A. Oh, no question. If you can give a  
24 candidate \$50,000 and say, I am for this particular  
25 issue and the people I represent are for this issue,

0073

1 that will have an impact.

2 Q. Just to be clear, the new law wouldn't  
3 allow one person to give a candidate 50,000, but --

4 A. Into bundling.

5 Q. Into bundling.

6 A. Right, right. And it would be the issue  
7 or whatever that entity is promoting would have  
8 significant influence on that member of Congress.

9 Q. So those who can bundle large sums will  
10 gain even more clout?

11 A. No question.

12 Q. On Capitol Hill.

13 MR. BONIFAZ: I have another exhibit to be  
14 marked as Thompson Exhibit 3. It is actually a  
15 summary of a study.

16 (Thompson Exhibit No. 3 was  
17 marked for identification.)

18 BY MR. BONIFAZ:

19 Q. This is an executive summary of a study  
20 produced by Public Campaign based here in Washington,  
21 which is a campaign finance reform organization and  
22 they analyzed campaign contributions in races,  
23 particularly looking in zip codes across the country  
24 and found that those of the top 100 donor communities  
25 were 80 percent white and gave an average of 1.4

0074

1 million and that the 100 communities with the highest  
2 concentration of people of color gave an average of  
3 \$7,000. And there is a quote from Nelson Rivers, III  
4 of the NAACP on the second page in bold there which I  
5 would like to read into the record and have you  
6 comment on it.

7 He says, "We're impacted in a negatively  
8 disproportionate way. Since African-Americans have  
9 decidedly less income, less disposable money than  
10 other people in the country, we're at a disadvantage  
11 when money is a deciding factor in whether you can  
12 participate."

13 Do you agree with that statement by  
14 Mr. Rivers?

15 A. Yes.

16 Q. And why is that?

17 A. It's true. My experience has been that  
18 there is a correlation between communities of color  
19 not having resources and not being able to elect a  
20 candidate of their choice and the communities that  
21 do, but it plays a significant role to influence  
22 elections.

23 Q. And what impact will the increased  
24 contribution limits have on that disparity of  
25 influence?

0075

1 A. My opinion is that it will, if you can  
2 believe, expand it even more on communities of color  
3 being negatively impacted.

4 MR. BONIFAZ: Thank you. Next exhibit.  
5 (Thompson Exhibit No. 4 was  
6 marked for identification.)

7 BY MR. BONIFAZ:

8 Q. Thompson Exhibit Number 4 is a study which  
9 was released in 1997 by four political scientists on  
10 who the large donors are to political campaigns at  
11 the federal level, those who give hard money. And to  
12 turn your attention to page 2 of that study --

13 A. Excuse me, I don't have it.

14 Q. Oh, I'm sorry.  
15 That's page 2 of that study, it found that  
16 more than 9 of 10 major donors were white,  
17 four-fifths were male, more than four-fifths were 45  
18 years or older, four-fifths of the donors report an  
19 annual income of more than \$100,000 and 20 percent of  
20 all those donors had an income of \$500,000 or more.

21 Do those findings reflect what you  
22 understand to be the case and based on your -- in  
23 terms of who these people are who can give this kind  
24 of money?

25 A. My experience is pretty close to this,

0076

1 yes.

2 Q. And what impact will the increased  
3 contribution limits have on the ability of this pool  
4 of donors to gain greater influence?

5 A. I think it will have for the wealthier  
6 individuals, as well as the characteristics of the  
7 donors, to even move more to -- in that direction.

8 Q. And what does it say about our democracy  
9 that those who are at the top end of the economic  
10 ladder and are in general mostly white wealthy men  
11 are having such a disproportionate influence, what  
12 about the state of democracy that we have?

13 A. Well, I think if you double the ability or  
14 contribution limits, you just enhanced the  
15 opportunity of whites in this country to influence  
16 the political process more so than minority and/or  
17 those individuals who are residing in low income  
18 communities.

19 (Thompson Exhibit No. 5 was  
20 marked for identification.)

21 BY MR. BONIFAZ:

22 Q. This is an op ed by Bob Herbert, a  
23 columnist for The New York Times on this study. The  
24 column came out in July of 1998. And I turn your  
25 attention to the second page of this column in that

0077

1 highlighted portion in which Ellen Miller the then  
2 executive director of Public Campaigns says,  
3 "Congress is consistently more responsive to the  
4 economic interests of those who fund election  
5 campaigns, it does not have ordinary citizens'  
6 interests at heart."

7 Do you agree with that statement,  
8 Congressman?

9 A. I would say that the first part, that  
10 Congress is consistently more responsive to the  
11 economic interest of those who fund election  
12 campaigns is correct. When you say it does not have  
13 ordinary citizens' interests at heart, I would take  
14 issue to that. But if you said whether or not the  
15 influence of those people who support candidates  
16 expands with their ability to contribute to members  
17 of Congress, you're correct.

18 Q. And so the increases will exacerbate that

19 influence by economic interest?

20 A. Yes. And even though the ability to  
21 represent everybody is there, it limits that, I mean  
22 it clouds it, no question about it.

23 (Thompson Exhibit No. 6 was  
24 marked for identification.)

25 BY MR. BONIFAZ:

0078

1 Q. The next exhibit, Congressman, is to be  
2 marked as Thompson Exhibit Number 6 and this is a  
3 report on findings from eight focus groups conducted  
4 among California voters in March of 2002 co-sponsored  
5 by the Fannie Lou Hamer Project and the Lawyers  
6 Committee for Civil Rights of the San Francisco Bay  
7 Area. I would like to turn your attention to page 9  
8 of that study and in bold at the top it says -- this  
9 is one of the findings of the study, many voters,  
10 especially African-Americans and Latinos believe  
11 non-wealthy people are effectively shut out of  
12 politics and are victimized by the decisions made.

13 Is that your experience in terms of how  
14 many voters, especially African-Americans and Latinos  
15 feel?

16 A. Yes.

17 Q. What impact will increasing the  
18 contribution limits have on that perception?

19 A. I think it will expand the perception.

20 Q. How so?

21 A. In that those abilities -- those people  
22 who have abilities to give more will have more  
23 influence on them and therefore not be concerned  
24 about the interests of low and minority income  
25 communities.

0079

1 Q. And page 24 of that study there's another  
2 finding that the influence of money on politics makes  
3 many voters feel disengaged and discourages them from  
4 participating.

5 Is that also your experience in terms of  
6 understanding voter views?

7 A. Yes.

8 Q. And what impact will increasing the  
9 contribution limits have on that perception?

10 A. Well, I think the potential for reduced  
11 participation in the elections and other political  
12 processes will be significantly reduced with the  
13 doubling of the contribution.

14 (Thompson Exhibit No. 7 was  
15 marked for identification.)

16 BY MR. BONIFAZ:

17 Q. The next exhibit to be marked as Thompson  
18 Exhibit Number 7 is an article from The New York  
19 Times, August 27, 2001. I'd like to turn your  
20 attention to page 3 of that article. This is about,  
21 you know, the money and politics issue in general and  
22 leads off with a discussion about the Tunica event.  
23 There is a highlighted quote I'd like to read into

24 the record and ask for your response.  
25 Fred Wertheimer of Democracy 21, a group

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1 that advocates the soft money ban, said that the  
2 rural and inner city voters often represented by  
3 Black Caucus members tended to be hurt most by the  
4 current system.

5 Congressman, do you believe that the  
6 increase in contribution limits will help or hurt the  
7 inner city and rural members often represented by the  
8 Black Caucus members?

9 A. With the doubling of the contribution hard  
10 money and the doing away with soft money, it hurts.

11 Q. And can you elaborate on that?

12 A. Well, if you double it, for many members  
13 of the Black Caucus it doesn't matter anyway, because  
14 we don't get a lot of thousand dollar contributions  
15 in an election cycle proportionate to others. But on  
16 top of that, if you reduced it -- well, did away with  
17 the soft money ban then for a lot of Black Caucus  
18 members it is the second nail in the coffin.

19 Q. When you say doubling it doesn't matter  
20 anyway because many members, most members don't get  
21 that kind of money, what if a challenger came in,  
22 like Mr. Davis in Congressman Hilliard's race, does  
23 have an impact in some way on those who are trying --

24 A. Well, that would significantly alter the  
25 outcome of the election.

0081

1 Q. The increases?

2 A. Yes.

3 Q. And give a greater advantage to those who  
4 can raise large sums of hard money?

5 A. Repeat it?

6 Q. And it would give a greater advantage to  
7 those kinds of candidates who can raise large sums of  
8 hard money, whether they are in the majority minority  
9 district or majority white district?

10 A. That's correct.

11 (Thompson Exhibit No. 8 was  
12 marked for identification.)

13 BY MR. BONIFAZ:

14 Q. The next exhibit is to be marked Thompson  
15 Exhibit 8 is an article from the Commercial Appeal,  
16 dated February 15th, 2002, entitled Mississippi  
17 Lawmakers Against Campaign Finance Reform Bill, I  
18 would like to turn your attention to the highlighted  
19 quote at the bottom by one of your aides Lanier Avant  
20 in which he says, "The bill really prohibits a  
21 candidate's ability to effectively campaign."

22 Do the increased contribution limits  
23 prohibit the ability for a candidate to effectively  
24 campaign?

25 A. In inner city and minority districts, yes.

0082

1 Q. And that's because?

2 A. Those districts generally don't have the

3 economic resources to campaign effectively and the  
4 doubling just puts them at a disadvantage.

5 Q. The Congressional Black Caucus as a whole  
6 came out against the increased contribution limits;  
7 is that right?

8 A. That's correct.

9 Q. And does that reflect the fact that the  
10 caucus has members who represent districts where  
11 there are a number of low income people who can't  
12 afford large sums of money to contribute to  
13 campaigns?

14 A. I think in that particular vote, they  
15 voted what they knew was correct and that it would  
16 have an adverse effect on their constituents.

17 (Thompson Exhibit No. 9 was  
18 marked for identification.)

19 BY MR. BONIFAZ:

20 Q. The next exhibit, marked as Exhibit Number  
21 9, Congressman, is an op ed by Professor Spencer  
22 Overton, in The Washington Post, dated May 10th,  
23 2001, entitled Reform for the Rest of America. And I  
24 turn your attention to that highlighted paragraph  
25 which I'll read into the record.

0083

1 Economic and racial disparities would only  
2 increase under the amended McCain-Feingold, while the  
3 soft money ban narrows the political gap between the  
4 upper middle class and the super rich. The increase  
5 in hard money limits broadens the gaps between these  
6 wealthier interests and all other Americans. Just  
7 like the poll tax, increased hard money limits  
8 further shut out those in our society who are the  
9 most marginalized.

10 Do you agree with that?

11 A. Yes, yes. It just serves as another  
12 barrier that would limit the minority and lower  
13 income communities from participating in the  
14 political process.

15 Q. And in particular with respect to the  
16 reference to the poll tax, what is your reaction to  
17 that?

18 A. Well, the poll tax was implemented in many  
19 Southern states to limit the participation by  
20 African-American citizens and because many of them  
21 could not pay the poll tax they chose not to  
22 participate in the process. And so their voice  
23 ultimately fell silent in the expression of casting  
24 ballots or participating at all in politics.

25 Q. Are the increased contribution limits akin

0084

1 to the barrier posed by the poll tax?

2 A. I think it is a barrier to candidates  
3 having the ability to run effective campaigns. It's  
4 a barrier to low and minority income communities  
5 having the benefit of selecting the candidate of  
6 their choice.

7 (Thompson Exhibit No. 10 was

8 marked for identification.)

9 BY MR. BONIFAZ:

10 Q. The next exhibit, marked as Thompson  
11 Exhibit Number 10, is an article from The New York  
12 Times, dated August 22, 2002. And I'd like to turn  
13 your attention to page 3 of this printout, the  
14 highlight, from David Bositis, the Joint Center for  
15 Political and Economic Studies. He says, "If black  
16 voters perceived that elections in their district are  
17 ultimately being decided by whites and powerful  
18 outside sources with money, they may conclude their  
19 votes don't matter and decide not to vote at all."

20 Do you agree with that prediction,  
21 Congressman?

22 A. Well, I think that's one of the long-term  
23 problems that I see with the doubling of hard money  
24 contributions and doing away with the soft money  
25 contributions. I'm of the opinion that a lot of

0085

1 people that I represent would say why go, because the  
2 election's already been bought and paid for.

3 Q. By those who can give large sums of hard  
4 money?

5 A. That's correct, that's correct.

6 (Thompson Exhibit No. 11 was  
7 marked for identification.)

8 BY MR. BONIFAZ:

9 Q. The next exhibit, marked as Thompson  
10 Exhibit Number 11, is a piece produced in a journal  
11 called Poverty & Race, entitled Not the Rich More  
12 Than the Poor: Poverty, Race and Campaign Finance  
13 Reform. I would like to turn your attention to that  
14 quote in the middle of the page from James Madison,  
15 The Federalist Papers, in which it says who are the  
16 electors of the federal representatives, not the rich  
17 more than the poor, not the learned more than the  
18 ignorant, not the haughty heirs of distinguished  
19 names more than the humble sons of the obscure and  
20 unpropitious fortune. The electors are to be the  
21 great body of the people of the United States.

22 Congressman, do you believe that the  
23 increased campaign contribution limits are consistent  
24 with the view of James Madison?

25 A. I think if you double it, you would start

0086

1 looking at representation by the wealthy and other  
2 individuals who would tend to have the resources to  
3 support it and just the average person would not have  
4 the same voice as they would under the present law.

5 Q. Finally, the last exhibit.

6 (Thompson Exhibit No. 12 was  
7 marked for identification.)

8 BY MR. BONIFAZ:

9 Q. Marked as Exhibit Number 12 is your  
10 biography from your website. And I'd like to just  
11 turn your attention -- you know it, but the third  
12 paragraph, which I'll read into the record.

13 A lifelong activist in the civil rights  
14 struggle, Congressman Thompson has been a participant  
15 in the complete spectrum in the fight for equality  
16 and in making the political system work for every  
17 citizen. As a grassroots volunteer, labor organizer,  
18 student activist, community leader and politician,  
19 Congressman Thompson remained focused in combating  
20 and working to address issues of race, gender and  
21 class in both the private and public sectors.

22 Congressman, do you believe that the  
23 increased contribution limits are consistent with the  
24 promise of equality for all?

25 A. No.

0087

1 Q. And why not?

2 A. Because it sets up barriers to  
3 participation by communities of low and moderate  
4 income individuals, minority communities and that's  
5 what this country should not be. This country should  
6 be involved with all its citizens, its citizens  
7 should have the ability to participate in the  
8 electoral process without being priced out of the  
9 market and in my opinion, by doubling the hard money  
10 contribution, you price low and moderate income  
11 communities out of the market for electoral  
12 participation.

13 MR. BONIFAZ: Thank you, Congressman, for  
14 your time. I have no further questions.

15 MR. HENRY: I just have a couple of follow  
16 up.

17 MR. MILES: I have two.

18 EXAMINATION BY COUNSEL FOR PAUL PLAINTIFFS

19 BY MR. MILES:

20 Q. Do you believe that there should be a law  
21 limiting the amount an individual can spend on his  
22 own race?

23 A. Yes.

24 Q. Thank you.

25 EXAMINATION BY COUNSEL FOR

0088

1 DEFENDANTS DOJ & ASHCROFT

2 BY MR. HENRY:

3 Q. Thank you, Congressman, just a couple of  
4 quick questions. If you could take a look again at  
5 Exhibit Number 7.

6 A. Yes, sir.

7 Q. And if you'd look at the second page and  
8 towards the middle of the page there is a paragraph  
9 that begins the caucus would not provide a full list  
10 of corporate donors. Do you see that?

11 A. Um-hum.

12 Q. It goes on to say a personal list included  
13 Philip Morris, the tobacco giant; Anheuser Busch, the  
14 brewing company; Entergy, the energy company;  
15 Lockheed Martin, the defense contractor; Household  
16 Finance, the consumer credit company and The American  
17 Gaming Association which represented the casino



18 industry.

19 It is my understanding from this article  
20 that these companies are being represented as  
21 participants in the 2001 Tunica event.

22 A. That's correct.

23 Q. Does that comport with your recollection?

24 A. This is 2001, that's correct.

25 Q. And do you recall did these companies --

0089

1 what sponsorship they participated in?

2 A. No. You can refer back to the filings but  
3 I mean it would be reflected in the filings.

4 Q. But they participated as sponsors?

5 A. Yes.

6 Q. But you don't recall their sponsorship  
7 level?

8 A. I know the two platinums.

9 Q. Okay. Those are the two casinos?

10 A. That's correct.

11 Q. Just a couple other questions: Do you  
12 know what proportion of your campaign funds come from  
13 PACs?

14 A. Probably 63 percent.

15 Q. 63 percent, okay.

16 A. I just happened to look.

17 Q. Okay.

18 MR. HENRY: That's all I have, thank you.

19 MR. BONIFAZ: If I may, do a couple of  
20 follow-ups.

21 EXAMINATION BY COUNSEL FOR  
22 ADAMS PLAINTIFFS

23 BY MR. BONIFAZ:

24 Q. Congressman, of that proportion of money  
25 coming from PACs, what percentage is from labor PACs

0090

1 and what percentage is from corporate PACs?

2 A. Probably -- if you limit just those two  
3 categories and not looking at any -- probably 60  
4 percent from labor.

5 Q. And do you see any distinguishing  
6 characteristic of labor PAC money versus corporate  
7 PAC money, is there any difference between those two  
8 kinds?

9 A. Not in my mind.

10 Q. Let me phrase it another way: What's your  
11 understanding as to how labor PACs collect their  
12 money in order to contribute to candidates?

13 A. From its members.

14 Q. And are these members wealthy individuals  
15 who give to the PAC?

16 A. Most of them are just people who happen to  
17 be employed in a particular industry represented by  
18 that particular union.

19 Q. And so what impact will increasing the  
20 contribution that's on individuals, but leaving the  
21 PAC limits at the same level, what impact will that  
22 have on labor folk --

