

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATOR MITCH McCONNELL, et al.,)
)
Plaintiffs,)
)
v.) Civ. No. 02-582 (CKK, KLH, RJJ)
)
FEDERAL ELECTION COMMISSION, et al.,)
)
Defendants.)

**First Set of Interrogatories to Defendants From
Plaintiff McConnell**

Pursuant to Fed. R. Civ. P. 33, Senator McConnell requests each defendant (including intervenor defendants) to respond separately, in writing, and under oath to each of the following interrogatories within the time for response set by the Federal Rules or by stipulation or court order, whichever is shorter.

References to the Bipartisan Campaign Reform Act (“BCRA”) include both the Act as a whole and each provision or part thereof that is alleged to be unconstitutional by the McConnell complaint. Where your response differs as to provisions or subparts of a provision (e.g. a subsection, sentence, clause, or term), or where responses differ by defendant, please specify so that each defendant’s position as to each aspect of each provision is clear.

Interrogatories

1. State and describe in detail each governmental interest that justifies the BCRA or any portion thereof, including in the description a specification of the provisions of the BCRA that each such interest justifies.

2. Separately for each such governmental interest, state and describe in detail each item of information relevant to whether the interest exists, was recognized by Congress in its consideration of the BCRA or any portion thereof.

3. Identify each source of the information that you provide in response to Interrogatory 2, giving for each such item the name, address, and telephone number of each human source, the title, date, author, and page number of each published source, and comparable detail for each other source.

4. State and describe in detail each alternative to the BCRA or any portion thereof for serving the interests that you identify in response to Interrogatory 1 (i.e. each alternative means) that Congress considered and rejected, specifying as to each alternative the provisions of the BCRA for which it was considered as an alternative and the grounds on which Congress rejected the alternative.

5. State and describe in detail each item of information relevant to whether and to what extent the alternatives that you identify in response to Interrogatory 4 would achieve the interests that the corresponding provisions of the BCRA seek to achieve, being specific as to the alternatives to which each such item relates.

6. Identify the sources of the information that you provide in response to Interrogatory 5, giving for each such item of information the name, address, and telephone number of each human source, the title, date, author, and page number of each published source, and comparable detail for each other source.

7. Identify each person whose lay or expert testimony you expect to offer, stating the person's name, address, and telephone number, and summarizing the person's expected testimony.

8. State and explain in detail each narrowing construction that you advocate with respect to the BCRA or any provision thereof, specifying whether each such narrowing construction is your primary construction or is an alternative to invalidation.

9. Identify with particularity each portion of the BCRA that you do not contend is constitutional.

10. Identify each portion of the BCRA that cannot constitutionally be enforced (in whole or in part) until regulations are promulgated, describing in detail why such regulations are necessary to permit enforcement of each such provision.

11. Identify each provision of the BCRA that is challenged in one or more of the complaints in this consolidated action but that no plaintiff has standing to challenge, and explain your response in detail.

12. Identify and describe in detail each legislative finding that justifies the BCRA or any portion thereof that is challenged in one or more of the complaints in this consolidated action, specifying the precise statutory provision or other legislative materials that establish each such finding.

13. Identify by name each present member of Congress and other elected federal officer who has engaged in any corrupt act as a result of practices that will be newly forbidden or subjected to greater restriction by the BCRA.

14. Describe in detail and with particularity each such corrupt act, stating the name, address, and telephone number of each person who participated in or induced the act, the date of each act, the place it occurred, and providing a detailed identification of each source of information relied upon.

15. Identify by name each present member of Congress and other elected federal officer as to whom there has been an appearance of corruption as a result of practices that will be newly forbidden or subjected to greater restriction by the BCRA.

16. Describe in detail and with particularity each such appearance of corruption, providing names, dates, and places involved in each such appearance, a description of the circumstances giving rise to the appearance, and a detailed identification of each source of information relied upon.

17. Identify with specificity each “unripe” claim in each of the consolidated complaints explaining in detail why the claim is not yet ripe for judicial review.

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