

In The Matter Of:

*Senate Committee on Governmental Affairs
Special Investigation - 1996 FEC Funds*

*Hearing Volume Number 8
July 23, 1997*

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(1) INVESTIGATION OF ILLEGAL OR IMPROPER ACTIVITIES IN
(2) CONNECTION WITH THE 1996 FEDERAL ELECTION CAMPAIGN
(3)
(4) WEDNESDAY, JULY 23, 1997
(5) United States Senate,
(6) Committee on Governmental Affairs,
(7) Washington, D.C.
(8) The Committee met, pursuant to notice, at 10:11 a.m.,
(9) in Room SH-216, Hart Senate Office Building, Hon. Fred
(10) Thompson, Chairman of the Committee, presiding.
(11) Present: Senators Thompson, Collins, Brownback,
(12) Domenici, Cochran, Nickles, Specter, Smith, Bennett, Glenn,
(13) Levin, Lieberman, Akaka, Durbin, Torricelli, and Cleland.
(14) Chairman Thompson. *The Committee will come to order,*
(15) *please.*
(16) First of all, the Committee unanimously voted to meet
(17) in closed session to consider whether to grant immunity to
(18) five individuals. The Committee is now meeting in open
(19) session to vote on each potential grant of immunity. So if
(20) we are prepared, every member has the individuals listed
(21) before them, the five individuals, and without objection, I
(22) will simply refer to them by number. I will wait until
(23) everyone has a copy of the list.
(24) The question is whether to grant immunity to Witness
(25) No. 1. The clerk will call the roll-

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(1) Senator Lieberman. Mr. Chairman?
(2) Chairman Thompson. Senator Lieberman?
(3) Senator Lieberman. I am sorry, Mr. Chairman. Is there
(4) an opportunity for discussion?
(5) Chairman Thompson. Certainly.
(6) OPENING STATEMENT OF SENATOR LIEBERMAN
(7) Senator Lieberman. Thank you, Mr. Chairman.
(8) Mr. Chairman, the last time this Committee voted on
(9) immunity for two witnesses, I voted for immunity. Today,
(10) after a lot of consideration, I intend to vote against the
(11) grant of immunity to these five witnesses, and I do want to
(12) explain why. Of course, the significant difference for me
(13) is that in a prior case, the Department of Justice did not
(14) oppose the grant of immunity to the two witnesses on which
(15) we voted at that time. In this case, the Department of
(16) Justice does oppose the grant of immunity.
(17) First, Mr. Chairman, I do want to thank you personally
(18) for the way in which you have presided over our Committee's
(19) consideration of this question of immunity. We have had the
(20) time for serious discussion and deliberation, as is
(21) appropriate for this decision, because it is a very
(22) important decision. It is also a very difficult decision
(23) because what we have here is a conflict between two branches
(24) of Government, each carrying out a very important
(25) responsibility that it has, which is to say, the search for

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(1) truth.
(2) Our search for truth is not the exclusive one in this
(3) hearing room. Ours is aimed at building a record which
(4) hopefully will inform the public and Members of Congress and
(5) in this case I hope lead to reform of our campaign finance
(6) laws.
(7) The search for truth going on in the criminal justice
(8) system is aimed at arrest and successful prosecution of
(9) people involved in campaign finance activities in the 1996
(10) Federal elections. And these two searches for truth are put
(11) in conflict by the request that we make for immunity and the
(12) response of the Justice Department in opposing these five
(13) requests.
(14) The conflict is a serious one, particularly in the
(15) aftermath of the North and Poindexter cases, because I
(16) certainly conclude personally, as I believe most observers
(17) do, that in the aftermath of the North and Poindexter
(18) decisions, once a congressional committee grants immunity to
(19) an individual, it effectively forecloses the possibility of
(20) a successful prosecution of that individual regarding the
(21) matters about which he or she will testify.
(22) Not everyone agrees with another conclusion that I
(23) reach, which is that a grant of immunity to witnesses by a
(24) congressional committee also seriously inhibits the ability
(25) of the Justice Department to work with those witnesses to

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(1) convict or successfully prosecute other people higher up the
(2) chain who may have been involved in violations of election
(3) and other laws in 1996.
(4) As I said earlier, both we and the Justice Department
(5) are involved in the search for truth. In the end, the
(6) Justice Department may be more successful in that search
(7) because the tools it has at its disposal are more
(8) foreboding, more threatening than the ones we do to coerce
(9) or punish or incent, incentivize a witness who is not being
(10) fully cooperative. And I think we have to be mindful of the
(11) fact that criminal proceedings are not ultimately private.
(12) Once arrests or indictments are announced and trials occur,
(13) the public will be fully informed of the findings within
(14) that criminal investigation.
(15) So reaching the conclusion that I do about the extent
(16) to which a grant of congressional immunity protects the
(17) recipients of that grant from eventual successful
(18) prosecution and seriously inhibits the Justice Department's
(19) ability to use those individuals to convict other people
(20) higher up the chain, I then have to come back to ask: How
(21) valuable is the testimony that these immunized witnesses
(22) will give this Committee? And does that outweigh the
(23) frustration of the criminal prosecution that will result?
(24) Mr. Chairman, I have been over the proffers of the five
(25) individuals here for which immunity is requested, and I

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(1) personally conclude--and this is a personal judgment about
(2) which people can and undoubtedly will, people of good faith
(3) can undoubtedly will disagree. I personally conclude that
(4) while these five would, if I may put it this way, add
(5) texture to what we will otherwise be able to prove here,
(6) their value to us is not so significantly--so great that it
(7) justified what this immunity will do to the criminal
(8) proceedings.
(9) Four of these--and I do want to set this in context and
(10) briefly discuss the Justice Department's role here. I know
(11) some have lost confidence in this investigation that is
(12) being carried out at the Justice Department. That is,
(13) again, a matter of personal decision. I personally have not
(14) lost confidence in the Justice Department, the career
(15) prosecutors who are pursuing this case, and particularly not
(16) because of their opposition to the request for immunity. I
(17) would say that one would be hard pressed to find a
(18) prosecutor in America--there might be some--who would
(19) disagree with the role that the Justice Department--the
(20) position that the Justice Department is taking here. They
(21) are trying to make a case. They don't want to lose five
(22) potential targets of their case, five potential cooperative
(23) witnesses.
(24) I also set my reaction to their objection to these
(25) requests for immunity in a broader context. Thus far, of

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(1) the requests that the Committee has made for immunity, the
(2) Justice Department has not objected to 11 of those requests.
(3) They have now objected to five here, which shows that they
(4) are not stonewalling across the board, and that these five
(5) cases they have decided are qualitatively different to the
(6) effort that they are pursuing. And I give that judgment
(7) some respect.
(8) Four of these witnesses are involved in the Hsi Lai
(9) Temple case in California last year, the fund-raiser there
(10) about which we all have such suspicion. As I review the
(11) requests, the Justice Department has not objected to grants
(12) of immunity for nine other people who are involved in the
(13) Hsi Lai Temple case and who this Committee, therefore, can
(14) call upon to testify.
(15) Yes, the four are somewhat higher up in the chain at
(16) the temple, and probably that is why they are of more
(17) interest to the Justice Department, because they had a more
(18) central role, therefore may be more culpable or may be of
(19) more assistance.
(20) In the second matter, which regards Mr. Trie, about
(21) which one of the individuals we are seeking immunity, the
(22) Justice Department has not objected to our request for
(23) immunity in regard to two other individuals that relate to
(24) Mr. Trie and the particular donation--I am trying not to go
(25) into detail here--that is the subject of this request for a

(1) grant of immunity.

(2) So I think taken together, the nine immunized witnesses
(3) in the temple case, the two that have been immunized in the
(4) Charlie Trie case, together with the information, including
(5) bank records, that the Committee staff has quite skillfully
(6) gathered, we will be able to make the basic case here with
(7) the resources that we have at our disposal, including the
(8) immunized witnesses, without needing these five others about
(9) whom the Justice Department objects.

(10) So, Mr. Chairman, it is a balancing test, and each of
(11) us will reach our own judgment about the appropriate
(12) balance. Yes, these five would add some evidence, but in my
(13) respectful opinion, not enough to justify the frustration of
(14) the criminal prosecution of these five or the Justice
(15) Department's ability to use these five to prosecute
(16) successfully those who are higher up in this chain.

(17) And I would say finally just this: Both we and the
(18) Justice Department are involved in the search for truth.
(19) Both we and the Justice Department have a role to play in
(20) responding to the excesses and alleged violations of law
(21) that occurred in the 1996 Federal elections. Our role,
(22) hopefully, is to build a record here for reforming the
(23) campaign finance laws. I hope and pray we will do so. That
(24) is not at this date a certainty. And for me, that means it
(25) is even more significant that we not in any way inhibit the

(1) ongoing criminal investigation here which holds the prospect
(2) not only of fully revealing more of the truth of what
(3) happened in the 1996 elections, but of holding accountable
(4) before the law some of those who have corrupted our
(5) democracy, or sought to, and violated our election laws.
(6) And that ultimately is what leads me to make the difficult
(7) judgment that I have this morning.

(8) I thank the Chair for giving me the opportunity to make
(9) this statement, and, again, I thank the Chair for his
(10) thoroughness and courtesy and non-partisanship in the
(11) conduct of the Committee's deliberation on this matter.

(12) Senator Specter. Mr. Chairman?
(13) Chairman Thompson. Thank you. If I might, a couple of
(14) comments before I turn to my other colleagues.

(15) First of all, Senator Lieberman, I appreciate your
(16) comments. These are certainly matters on which reasonable
(17) people can come to different conclusions. I understand
(18) that, and I understand how additionally difficult it is when
(19) the Justice Department takes the position that it takes.
(20) And I have stated my feelings with regard to Justice's
(21) position in this matter. It is a different subject, and
(22) different people will have different views about that.

(23) I think that their position is troubling. I think it
(24) is not justified. I think they are in a conflict situation,
(25) and specifically with regard to four of the five individuals

(1) here, it has to do with an event which is under great
(2) suspicion. It had to do with the President's campaign
(3) coffers, and it had to do with the attendance of the Vice
(4) President.

(5) I cannot think of a situation that puts the Justice
(6) Department in more of a conflict in determining whether or
(7) not it wants to hear evidence with regard to that matter.

(8) Now, every piece of evidence may not be a blockbuster,
(9) but we have to get evidence where we can that will help us
(10) do our job. We know that we have several people who have
(11) fled the country. We know we have had several people who
(12) have decided, as is their right, to claim their Fifth
(13) Amendment privileges.

(14) We have accumulated a lot of information in a
(15) relatively short period of time on this Committee. I think
(16) we can already see that. But we also know that we have a
(17) cut-off date, and we have to responsibly avail ourselves of
(18) information that is relevant and substantive wherever we
(19) can. Immunity is one of those areas--not to be given
(20) casually, but to be given carefully, just as the Watergate
(21) committee did in, I think, 28 instances and the Iran-contra
(22) committee did in 26 different instances. In each of those
(23) cases, the Justice Department took a contrary position--or
(24) not the Justice Department, I should say independent
(25) counsel. We had independent counsel in those situations,

(1) and the cloud, the shadow that is over this investigation
(2) was not present. So that wasn't an issue there.

(3) Justice has approved certain immunity grants for
(4) certain individuals who know less, who know less than the
(5) others. When we first applied for those individuals, we did
(6) not have access to the information that we have today. So
(7) it is a moving situation where we find individuals who know
(8) more, are in a position to help us more, and those are the
(9) ones that we are focusing in on now. So Justice goes back
(10) and approves those who know less than the others and
(11) presents a serious problem for us.

(12) We have been told by counsel for some of the nuns that
(13) they have had requests over at Justice since March to
(14) consider immunity for their low-level individuals who have
(15) taken vows of poverty and who, in my opinion, who has served
(16) time as a Federal prosecutor, will never be prosecuted. I
(17) don't even think it is arguable. But yet Justice has
(18) apparently told them we are not ready to consider you yet.
(19) We don't have the luxury of sitting back and not doing
(20) our job hoping that in the future someone over at Justice
(21) will do the right thing. And I might add that no one has
(22) been a bigger defender of the career prosecutors in Justice
(23) than I have. I said in the very beginning that from the
(24) President's standpoint I would not be sanguine that an
(25) independent counsel has not been appointed. Strictly from

(1) that narrow vantage point, I think the career prosecutor
(2) traditionally in the Justice Department has done an
(3) excellent job and will continue to do so. I don't know who
(4) is calling the shots anymore. I do know some individuals
(5) over there have involved themselves in our business who are
(6) not career prosecutors.

(7) But set that aside. We will never know the answer to
(8) those things probably, but we do know what the appearances
(9) are.

(10) And on the issue of balancing the role of the
(11) prosecutor and the valid responsibility they have to do what
(12) they can to protect their options as far as prosecutors are
(13) concerned versus our responsibility, I would urge my
(14) colleagues to not denigrate our responsibility. We are the
(15) Article I branch of Government. We have a separate,
(16) independent, co-equal responsibility to do what we are
(17) doing. If we can't do it thoroughly and we can't do it
(18) completely, then we shouldn't be doing it at all. And it is
(19) not required of us and I don't think it's proper for us to
(20) have some vague statement that there might be prosecutions,
(21) and in this case, they have not told us that these people
(22) are going to be prosecuted or that they are targets. They
(23) have told us they cannot tell us whether or not they might
(24) be in the future.

(25) I don't think that we can accede to that kind of

(1) response in view of our own responsibilities. And I might
(2) add, if we grant immunity to these individuals, we do not
(3) lose their testimony and cooperation. We gain their
(4) testimony and cooperation. The chances, as was referred to
(5) about higher-ups, the chances of getting higher-ups, so-
(6) called, would be enhanced, I would think, by getting these
(7) people on the record at an early date.

(8) So I appreciate--I know that Senator Lieberman and
(9) others have concerns about this in good faith. And if I
(10) perhaps had not been through some of the things I have been
(11) through, including a Federal prosecutor and other
(12) investigations and so forth, I might be very, very concerned
(13) about doing anything that the Justice Department told me not
(14) to do. But we are a Committee of the United States Senate.
(15) We have a responsibility to make up our minds independently
(16) of that.

(17) And if one thinks that the possible need to prosecute
(18) some of these individuals, which I think is minimal at best,
(19) outweighs the information that we might get, I appreciate
(20) that. I understand that. That is the consideration that we
(21) have. I simply come down on the other side of that.

(22) Senator Levin, did you have--

(23) Senator Levin. Mr. Chairman, thank you. I just had a
(24) question. Based on what we have been told by the Justice
(25) Department, and given the confirmation of certain assurances

(1) that have been received in the last 24 hours by the
(2) attorneys for these witnesses, I intend to vote for
(3) conferring immunity. But as the Chairman points out, it is
(4) a moving target, and so I have a question of the Chair. I
(5) am wondering about the procedures of the Committee.
(6) If new information in support of the Attorney General's
(7) objection to the grant of immunity is brought to the
(8) attention of the Committee between now and the actual
(9) conferring of that immunity, might a member request
(10) reconsideration of the immunity grant? And if so, if the
(11) Committee chooses—if the Committee chooses—could it before
(12) the actual conferring of that immunity rescind that grant?
(13) That is my question of the Chair relative to the
(14) procedure.
(15) Chairman Thompson. Yes, Senator. The answer to that
(16) question is yes. If we received additional information that
(17) had a bearing on our consideration before immunity was
(18) granted, any member can bring that to the attention of the
(19) Committee, and it would be taken up by the Committee, and we
(20) would go through the same consideration or reconsideration,
(21) if the information was of that kind of nature, that we are
(22) going through right now.
(23) Senator Levin. Thank you.
(24) Senator Specter. Mr. Chairman?
(25) Chairman Thompson. Senator Specter?

(1) **OPENING STATEMENT OF SENATOR SPECTER**
(2) Senator Specter. Mr. Chairman, I have sought
(3) recognition to respond to what Senator Lieberman has had to
(4) say. I begin by agreeing with him about the overall
(5) importance of campaign finance reform, and that is a
(6) legislative function. And I think it is because of the
(7) importance of that objective that the law has given the
(8) Congress dominance over the individual criminal prosecutions
(9) as a legal principle, that the Congress has the dominant
(10) authority. And that is why, when we ask for immunity, the
(11) Justice Department has a time to raise an objection, but it
(12) is a congressional judgment, so that we can discharge our
(13) legislative responsibilities, which give us the ultimate
(14) call here.
(15) When Senator Lieberman discusses the legal and factual
(16) issues, I wouldn't want to disagree with him. When we talk
(17) about losing the prosecutions as in the Poindexter and North
(18) cases—Admiral Poindexter and Colonel North—it is possible
(19) for the Department of Justice to maintain those prosecutions
(20) if they organize their evidence and state their case in
(21) advance of the immunity grant. Those cases made it
(22) difficult, perhaps impossible in some cases, to prosecute
(23) because there was an affirmative burden on the prosecution
(24) to show that all the prosecution's evidence did not come
(25) from what had been said by Admiral Poindexter and Colonel

(1) North. And there is a delay period so the Department of
(2) Justice can bundle their case and show that they had the
(3) information in advance. But we do not even have a statement
(4) from the Department of Justice in this matter that they
(5) intend to prosecute.
(6) When Senator Lieberman talks about working up the chain
(7) with cooperation and inhibiting the Justice work by having a
(8) grant of immunity, I would submit it is exactly the
(9) contrary. The way you work up the chain is by a grant of
(10) immunity. Now, you can do it by convictions, as it was done
(11) in the case of United Mine Workers where Tony Boyle was
(12) convicted over a long period of time. But that is by far
(13) the exception. And the immunity grant is the way that that
(14) is done.
(15) When Senator Lieberman talks about the criminal
(16) prosecutions becoming public, that is so far in the future
(17) and so late in the day as to hardly have any impact on what
(18) we need to know for our legislative purpose.
(19) When Senator Lieberman talks about 11 grants of
(20) immunity, nine of those were as to nuns who knew nothing
(21) about the case, could not offer anything of substance. Two
(22) of the grants of immunity involved people of foreign
(23) extraction who were conduits in laundering, and they go to
(24) people who are peripherally important but nothing like the
(25) Buddhist temple situation. So I don't think that in the 11

(1) grants of immunity on the facts that it is any showing of
(2) good faith by the Department of Justice in working with this
(3) Committee.
(4) When we have the four grants here, these are ones we
(5) talked about weeks ago and where there had been a
(6) preliminary indication from the Department of Justice that
(7) they would not object to a grant of immunity. These are the
(8) cases where people wrote checks for \$5,000 on April 30th of
(9) 1996 and got a \$5,000 return on May 1st. And these are
(10) people who were involved in a chain which involves Mr.
(11) Huang, who is a significant factor in this investigation,
(12) where the indicators are that he came forward and said we
(13) didn't raise enough money, let's lower it from \$5,000 to
(14) \$2,500, and where the Vice President did appear in a context
(15) where he has stated different versions as to what were the
(16) facts.
(17) Without going into any detail on that, because I think
(18) we ought to await the development of those facts before
(19) commenting on the Vice President's role, it is plain that
(20) the Buddhist temple situation is one of real significance.
(21) And that is against the backdrop of the independent counsel
(22) question.
(23) And the Chairman made a very important statement
(24) yesterday in drawing his conclusion about having lost
(25) confidence in the Department of Justice to carry out an

(1) investigation, and that is a conclusion that I share. And I
(2) share it reluctantly because I think overall Attorney
(3) General Reno has done a good job, and I said so when she
(4) appeared in this room and testified on judiciary oversight
(5) back on April 30th.
(6) But in the context where the Department of Justice has
(7) declined to give to the President national security
(8) information and where the President has publicly objected,
(9) saying it is national security information he should have,
(10) it seems to me to be very, very hard, really impossible, to
(11) justify failing to appoint independent counsel. And in the
(12) context where we have the statements by Mr. Panetta as well
(13) as Mr. Morris about the President's direct involvement on
(14) the campaign commercials and the obvious advocacy of those
(15) commercials in a context where the Attorney General concedes
(16) that if they are advocacy commercials, there is a violation
(17) of the Federal law, and I then wrote to her and would put
(18) into this record my letter to her of May 1st, specifying the
(19) commercials and her response to me saying she wouldn't
(20) answer, but referring it to the Federal Election Commission,
(21) those are very weighty factors on the independent counsel
(22) issue.
(23) And then you have the Justice Department position on
(24) these immunity positions, which I submit is beyond the pale
(25) as to what they are doing. It seems to me if we are not

(1) going to give immunity at least as to four of these five, we
(2) are going to be very, very much hamstrung on our proceeding.
(3) These are matters, I think, of the utmost importance,
(4) and I have taken a little longer than I would have liked to
(5) to have made my statement. But I think what this Committee
(6) does today is going to be a very big precedent setter on
(7) this immunity question, but which I think is indispensable
(8) to our successful inquiry.
(9) Thank you, Mr. Chairman.
(10) Chairman Thompson. Senator Torricelli?
(11) **OPENING STATEMENT OF SENATOR TORRICELLI**
(12) Senator Torricelli. Thank you, Mr. Chairman.
(13) Mr. Chairman, I have been trying during these weeks to
(14) learn the Tennessee vernacular, and if I have gained
(15) anything out of this experience, I understand that these
(16) various and often conflicting positions people take in these
(17) hearings are described as a "rabbit trail." So I wanted to
(18) describe at the moment where I find myself on the rabbit
(19) trail, because I think we have reached a critical juncture
(20) in these hearings.
(21) I am concerned that because some of us in the past
(22) objected to immunity and raised questions about the
(23) proceedings of this Committee, that it has been
(24) misinterpreted by some as believing that we were not equally
(25) intent on finding the truth, ensuring that the law was

(1) enforced, and that people were informed about the 1996
 (2) elections.
 (3) This Committee has a separate but, in every respect, at
 (4) least an equally important role as the Justice Department in
 (5) investigating the events of 1996 concerning the Federal
 (6) elections. I have found the Justice Department's response
 (7) to our requests for information and guidance to be less than
 (8) thorough. They have complicated the work of this Committee
 (9) and, in my judgment, cannot be allowed to become an excuse
 (10) for the Committee not proceeding.
 (11) It was not necessary for this Committee to ask the
 (12) guidance of the Justice Department, but we did so. We were
 (13) not required to rely upon their information or give
 (14) deference to their views, but we made clear we might do so.
 (15) The response has been to treat these proceedings as if they
 (16) were not of equal importance with their own interest in
 (17) protecting the possibility of prosecuting nuns, lay
 (18) officials of a Buddhist temple, and those who had relatively
 (19) minor roles in this entire affair.
 (20) I have confidence in the Attorney General and great
 (21) respect for the career prosecutors of the Justice
 (22) Department. I also believe that in granting this immunity
 (23) today, it should be a clear message to the Justice
 (24) Department that we are serious about our responsibilities,
 (25) interested in working with them, but with or without them.

(1) the Committee will proceed.
 (2) Mr. Chairman, I continue to believe that we have
 (3) complementary roles on different sides of the aisle in this
 (4) Committee, but a very common purpose. I have argued through
 (5) these proceedings that the truth is bad enough that it need
 (6) not be exaggerated or our case lose credibility by
 (7) concentrating on evidence of individuals who have little to
 (8) offer. But the truth will be exposed.
 (9) I understand that the Committee requires two members of
 (10) the minority at a minimum to vote with the Chairman to
 (11) assure granting of immunity. I for one intend to provide
 (12) one of those votes. I am confident, from hearing from my
 (13) colleagues, we will have a majority, and I trust that
 (14) message to the Justice Department will be read and
 (15) understood for its implication to the future as we proceed.
 (16) Thank you, Mr. Chairman.
 (17) Chairman Thompson. Anyone else? Senator Brownback?
 (18) **OPENING STATEMENT OF SENATOR BROWNBACK**
 (19) Senator Brownback. Yes, Mr. Chairman. I just want to
 (20) make a brief comment that I, too, am-I am losing confidence
 (21) in the Justice Department, and I think that this Committee
 (22) is entering at a critical juncture in its relationship with
 (23) the Justice Department. I have looked forward in the past
 (24) to their comments regarding whether immunity should be
 (25) granted and their thought process, but now it is looking

(1) like-I am not sure what all they have in mind, and that
 (2) causes me to lose confidence in them.
 (3) They have had the case of the Buddhist nuns for months
 (4) and haven't decided whether to prosecute or to release in
 (5) this particular case. I think that is an important issue.
 (6) The independent counsel matter has been discussed time and
 (7) time again, and I point that out and I make this statement
 (8) simply to say that I hope that the Justice Department does
 (9) hear this, that we have got a very important matter, and I
 (10) would hope we could work together with them on it, and yet
 (11) all of us are losing confidence in their ability to work
 (12) with us on this matter, on both sides of the aisle. And I
 (13) would hope that they would be far more forthcoming so that
 (14) we can get at the truth, at the issue that is in front of
 (15) us, and it will sure work a lot better if we can work
 (16) together rather than if we are working against each other.
 (17) Thank you, Mr. Chairman.
 (18) Chairman Thompson. Senator Glenn?
 (19) Senator Glenn. Just very briefly. There are two
 (20) things very important here. I think Senator Levin's
 (21) colloquy with the Chairman was a very important
 (22) understanding here, and also the fact that there are 30 days
 (23) for the AG to object and to come back to us if there is
 (24) information that they have where this would really foul up
 (25) some prosecution that they are involved with. I think those

(1) are two important factors in our consideration here.
 (2) Thank you.
 (3) Senator Lieberman. Mr. Chairman?
 (4) Chairman Thompson. Senator Lieberman?
 (5) Senator Lieberman. Very briefly. I appreciate the
 (6) seriousness of the discussion. I just want to respond on
 (7) one or two points.
 (8) Reference was made to Watergate and Iran-contra, and I
 (9) want to distinguish those from the current situation. Both
 (10) of those, of course, occurred prior to the North and
 (11) Poindexter decisions, which have elevated the consequences
 (12) of a congressional grant of immunity. And if you go back
 (13) over the record and see what Special Counsel Walsh did to
 (14) try to avoid having his prosecution of North and Poindexter
 (15) tainted or inhibited by the congressional grant of immunity,
 (16) he took enormous steps, and they were ultimately, as we all
 (17) know, not effective. So the bar is much higher now on the
 (18) impact of these grants of immunity. You can draw whatever
 (19) conclusion you will, but in the most significant public
 (20) investigation by Congress that has occurred since that
 (21) decision, the Whitewater investigation, the Committee
 (22) followed a policy of not granting immunity in cases where
 (23) the Justice Department spoke its opposition.
 (24) Insofar as we are building a record here which may
 (25) guide future Congresses, I do want to add one personal point

(1) about this, and also to distinguish Watergate and Iran-
 (2) contra.
 (3) In both of those cases, I think one could argue that
 (4) there was a kind of national paralysis that put a special
 (5) premium on disclosure through the congressional process. In
 (6) both cases, there was intense and immediate national concern
 (7) about who knew what and what effect that would have on the
 (8) credibility of the Government that required, if I may
 (9) continue with the medical metaphor, a sort of radical
 (10) surgery as if there was a blood clot that had to be exposed
 (11) and removed.
 (12) Here in this investigation, I don't think, respect-
 (13) fully, that we are dealing with that kind of national
 (14) paralysis. We are dealing with a more insidious, longer-
 (15) term kind of cancer which is affecting our body politic,
 (16) which is, of course, the way in which big money influences
 (17) politics today, and it necessarily requires-it requires a
 (18) treatment and a cure, but it is longer term. And so even-
 (19) what I want to say here, in summary, is that I could
 (20) certainly see myself voting for a congressional grant of
 (21) immunity in a case where it seemed to me that there was the
 (22) kind of national paralysis that existed in Watergate and
 (23) Iran-contra.
 (24) I thank the Chair.
 (25) Chairman Thompson. Thank you, Senator Lieberman. You

(1) make a good point. There is no question that the
 (2) consequences of immunity today are greater than they were in
 (3) the past. My point would simply be that the individuals we
 (4) are considering today certainly do not fall in the category
 (5) of a North or a Poindexter. And I don't draw comparison
 (6) with other investigations determining the substance of it.
 (7) I do think that allegations of violation of the law by
 (8) people in high office, no matter what, how it is viewed by
 (9) people, is serious business. And I think it is probably
 (10) best to wait for the end of the day to make those analyses.
 (11) But I draw no comparison in terms of the nature of the
 (12) allegations or in terms of where things might end up.
 (13) I simply would point out that historically committees
 (14) have made those determinations independently under the
 (15) circumstances that they found themselves in at the time.
 (16) If there are no-Senator Durbin?
 (17) **OPENING STATEMENT OF SENATOR DURBIN**
 (18) Senator Durbin. Mr. Chairman, I will be very brief.
 (19) I had hoped that I would not reach a point where I
 (20) would ever feel that a decision on granting immunity would
 (21) in any way compromise a prosecution. As important as our
 (22) role might be in searching for the truth, I still feel that
 (23) if, when all is said and done, history writes that the work
 (24) of this Committee compromised an important prosecution of
 (25) someone who had violated the laws of the land, I don't think

(1) any of us will have taken any satisfaction in the fact that
(2) we exposed the facts at that expense.
(3) But we are now in an impossible position in
(4) relationship to our dealings with the Department of Justice.
(5) Our meeting with them yesterday was little more than another
(6) lesson in constitutional law in terms of the separation of
(7) powers, and it was not in any way helpful in terms of making
(8) this decision. I felt then and feel now that we are now as
(9) individuals responsible for deciding each and every case
(10) when it comes to immunity. And for that reason, I will be
(11) supporting the Chairman's request for immunity in four out
(12) of the five cases, the four cases related to the Buddhist
(13) temple.
(14) On the fifth case, I think it is a different set of
(15) circumstances, at least in my view, and I will defer to the
(16) Department of Justice in terms of not granting immunity. I
(17) don't know how the Committee will ultimately make that
(18) judgment.
(19) I am not sure there is a way out of this thicket. We
(20) each have our responsibility. I trust the Attorney General.
(21) I regret that some members of the Committee do not and have
(22) said so publicly. I believe that she is exercising her
(23) authority responsibly. I hope that we will do the same, and
(24) I thank the Chairman for giving me this opportunity.
(25) Chairman Thompson. Senator Glenn?

(1) Chairman Thompson. Aye, by proxy.
(2) The Clerk. Senator Specter?
(3) Senator Specter. Aye.
(4) The Clerk. Senator Smith?
(5) Senator Smith. Aye.
(6) The Clerk. Senator Bennett?
(7) Chairman Thompson. Aye, by proxy.
(8) The Clerk. Senator Glenn?
(9) Senator Glenn. Aye.
(10) The Clerk. Senator Levin?
(11) Senator Levin. Aye.
(12) The Clerk. Senator Lieberman?
(13) Senator Lieberman. No.
(14) The Clerk. Senator Akaka?
(15) Senator Akaka. Aye.
(16) The Clerk. Senator Durbin?
(17) Senator Durbin. Aye.
(18) The Clerk. Senator Torricelli?
(19) Senator Torricelli. Aye.
(20) The Clerk. Senator Cleland?
(21) Senator Cleland. Aye.
(22) The Clerk. Senator Thompson?
(23) Chairman Thompson. Aye.
(24) The Clerk. The vote is 15 yeas, 1 nay.
(25) Chairman Thompson. All right. The grant of approved.

(1) Senator Glenn. Mr. Chairman, we have canvassed people
(2) on our side. We would be happy to vote on these things and
(3) vote en bloc on 1 through 4, with a separate vote on No. 5.
(4) Chairman Thompson. All right, sir.
(5) Senator Torricelli. Mr. Chairman, may I make a
(6) parliamentary inquiry, please? If at some point in the
(7) coming weeks before testimony is actually offered the
(8) Justice Department were to change its position, work
(9) cooperatively with the Committee, and share information, is
(10) it appropriate at any time for a motion to be offered to
(11) rescind immunity? And would it only require a majority vote
(12) to do so if the Justice Department were to convince us and
(13) participate in sharing information?
(14) Chairman Thompson. I think the answer to that is yes.
(15) If I understand the question, I think that is essentially
(16) Senator Levin's inquiry a while ago. At any time until the
(17) judge grants it, as Senator Glenn pointed out, the Justice
(18) Department has some time there in which to make themselves
(19) heard. They do not have a veto.
(20) Senator Torricelli. But I am addressing it more
(21) specifically under the rules of Committee. At any point
(22) during our deliberations you would entertain such a motion
(23) and only a majority vote would be required?
(24) Chairman Thompson. Yes.
(25) Senator Torricelli. Thank you, Mr. Chairman.

(1) Senator Bennett. Mr. Chairman?
(2) Chairman Thompson. Senator Bennett?
(3) Senator Bennett. May I change my proxy to an aye vote?
(4) Chairman Thompson. Senator Bennett will be recorded as
(5) voting aye.
(6) Senator Bennett. Thank you.
(7) Chairman Thompson. Now, the consideration is on
(8) individual No. 5 for immunity. The clerk will call the
(9) roll.
(10) The Clerk. Senator Collins?
(11) Senator Collins. Aye.
(12) The Clerk. Senator Brownback?
(13) Senator Brownback. Aye.
(14) The Clerk. Senator Domenici?
(15) Chairman Thompson. Aye, by proxy.
(16) The Clerk. Senator Cochran?
(17) Senator Cochran. Aye.
(18) The Clerk. Senator Nickles?
(19) Chairman Thompson. Aye, by proxy.
(20) The Clerk. Senator Specter?
(21) Senator Specter. Aye.
(22) The Clerk. Senator Smith?
(23) Senator Smith. Aye.
(24) The Clerk. Senator Bennett?
(25) Senator Bennett. Aye.

(1) Chairman Thompson. If we get additional information
(2) that in some way would impact on our decision, if it would
(3) have been relevant to our decision today, for example, then
(4) we ought to consider it and we will entertain that if it
(5) happens and take it up. If someone makes a motion to
(6) rescind, then it would be voted on and determined by
(7) majority vote.
(8) All right. With that, we will—I hate to refer to
(9) these people just by numbers, but I think everyone
(10) understands that the less we bandy their names around until
(11) if and when they are called as witnesses, I think the
(12) better. Every member has considered each of these
(13) individuals very carefully, but in public session we will
(14) refer to them by number. We will consider Nos. 1 through 4
(15) for the grant of immunity.
(16) The clerk will call the roll.
(17) The Clerk. Senator Collins?
(18) Senator Collins. Aye.
(19) The Clerk. Senator Brownback?
(20) Senator Brownback. Aye.
(21) The Clerk. Senator Domenici?
(22) Chairman Thompson. Aye, by proxy.
(23) The Clerk. Senator Cochran?
(24) Senator Cochran. Aye.
(25) The Clerk. Senator Nickles?

(1) The Clerk. Senator Glenn?
(2) Senator Glenn. Aye.
(3) The Clerk. Senator Levin?
(4) Senator Levin. Aye.
(5) The Clerk. Senator Lieberman?
(6) Senator Lieberman. No.
(7) The Clerk. Senator Akaka?
(8) Senator Akaka. No.
(9) The Clerk. Senator Durbin?
(10) Senator Durbin. No.
(11) The Clerk. Senator Torricelli?
(12) Senator Torricelli. Aye.
(13) The Clerk. Senator Cleland?
(14) Senator Cleland. Aye.
(15) The Clerk. Senator Thompson?
(16) Chairman Thompson. Aye.
(17) The Clerk. The vote is 13 yeas, 3 nays.
(18) Chairman Thompson. All right. Immunity will be
(19) processed for all five of those individuals.
(20) All right. Mr. Becker, it has taken a little longer to
(21) get to you.
(22) Senator Glenn. I have an opening statement.
(23) Chairman Thompson. You may come around, and Senator
(24) Glenn, I believe you have an opening statement.
(25) **OPENING STATEMENT OF SENATOR GLENN**

(1) Senator Glenn. I do indeed, Mr. Chairman. Thank you
(2) very much.

(3) This week the Committee's hearing will bring into focus
(4) one of the central points of our investigation: that the
(5) pursuit of political money to win elections by both major
(6) parties has reached obscene and corrupting levels in recent
(7) years, to the point where every loophole in the law was
(8) explored, every edge of the law was traveled, and the edge
(9) was sometimes stepped over.

(10) For the past 2 weeks, we have been presented with
(11) testimony, allegations, and evidence of Democratic
(12) wrongdoing. And where, when, and if these allegations
(13) eventually are substantiated, no excuse will be acceptable.
(14) But if we are truly concerned about investigating the
(15) corrupting influence of all foreign money encroaching into
(16) our political system, then the picture has been only half
(17) painted, if that.

(18) To be fair, there is another side that we will present.
(19) In the next few days, we will show that the congressional
(20) elections of 1994 and 1996 were influenced by foreign money
(21) coming to Republican candidates via the Republican National
(22) Committee, which laundered the money through the National
(23) Policy Forum headed by Haley Barbour at the same time he was
(24) chairman of the Republican National Committee.

(25) The Democratic minority's focus on Republican

(1) fund-raising this week is a role that the majority
(2) essentially assigned to us by the majority's own choice to
(3) use its larger resources to look not at all aspects of the
(4) problem, but only at Democratic fund-raising.

(5) It has become the minority's role, then, to provide
(6) additional information, to provide balance and fairness to
(7) this investigation, and in going so, to eliminate the main
(8) problems that this investigation should ultimately address,
(9) and indeed, the problems of campaign finance reform go far
(10) beyond just foreign money, important as that aspect is.

(11) I have stated from the outset that I believe there were
(12) four major areas of campaign finance abuse that we should
(13) investigate. First is foreign money. Second is use of
(14) tax-exempt organizations for political purposes. Third is
(15) third-party money transfers to avoid campaign limits, and
(16) fourth, the enormous growth and pernicious influence of soft
(17) money raised in unlimited amounts.

(18) Now, obviously, violations of existing law should be
(19) dealt with, whether by this Committee or by law enforcement
(20) agencies, but in my view, a unique responsibility of this
(21) Committee and one which cannot be done by others is to lay
(22) the base for real campaign finance reform. That is a goal
(23) not universally shared by all Senators, including some on
(24) this Committee.

(25) I do not denigrate the importance of pointing out

(1) illegalities whether foreign, third party, or tax-exempt
(2) abuses by both parties, but if at the end of the day we have
(3) not gone far beyond that and taken a major step toward
(4) correcting the system that so easily spawned such abuses, a
(5) system that includes soft money which is legal, but should
(6) not be, then we will have missed a golden and unique
(7) opportunity for this Committee, and this Committee alone, to
(8) correct a situation that causes justifiable mistrust and
(9) cynicism in the American people.

(10) If doubts remain, read "Whatever it Takes." It is a
(11) new book by Elizabeth Drew that documents in great detail
(12) the seamy side of money and influence peddling by both
(13) parties in the last election.

(14) Our hearings this week, therefore, will underscore not
(15) that it is okay because everyone does it, but just the
(16) opposite, that both parties are deserving of harsh criticism
(17) and that both parties have the responsibility to legislate
(18) and end the ongoing scandal called the campaign finance
(19) system in America.

(20) Thank you, Mr. Chairman.
(21) Chairman Thompson. Thank you, Senator Glenn, and I was
(22) going to try to curry a favor with Elizabeth Drew before you
(23) did, but you beat me to it.

(24) We are going to have three days now of testimony with
(25) regard to what seems like one major instance, maybe two or

(1) three instances that Senator Glenn has alluded to, and some
(2) will use it as an opportunity, I suppose, to argue everybody
(3) does it, and that will be debated in the public forum, but
(4) we should not get caught up in that, I think. We need to
(5) keep our eye on the ball and understand that we have an
(6) obligation to lay out the facts wherever they may be.

(7) The majority has decided, after only two weeks of
(8) hearings, to have this week of hearings, not to put it off
(9) until after the recess, not to try to limit it to one day or
(10) two days, as we could if we design to do, but to try to make
(11) a good-faith effort to lay the facts out wherever they may
(12) be.

(13) I might point out that the minority suggested, and we
(14) readily agreed, to issue a subpoena for the National Policy
(15) Forum on April the 9th, before any of the so-called foreign
(16) money allegations were known or hid or anything else. So we
(17) were on that early as a Committee, and I am kind of proud of
(18) that fact.

(19) I hope as we go forward that the Democrats and
(20) Republicans will each understand that we are all going to
(21) have to do some things that are unpleasant for us if we do
(22) the right thing, and we as Republicans have to, I think,
(23) continue down the road that we have chosen, and that is to
(24) allow allegations concerning Republicans to be aired, and we
(25) are doing that.

(1) My Democratic colleagues hopefully will understand that
(2) in order to get that kind of treatment that a certain amount
(3) of reciprocity is in order, and that is that we take a
(4) fair look at trying to find out what the facts are with
(5) regard to Democratic activities, also. So we need to do
(6) this together. This week will be an effort to try to do
(7) that, and we will see whether or not this activity here is
(8) as has been reported.

(9) Some would say that we all know about this, too. This
(10) is old news, too, I suppose. As far as I know, just about
(11) all has been reported, but some old news is more interesting
(12) to some people than other old news, apparently. So I think
(13) it is appropriate that we do not simply depend on 30-second
(14) summaries at the end of the day to get our information about
(15) this. So we will see the extent of it.

(16) I think that with regard to the foreign money issue, it
(17) points up a larger question and a larger problem. I think,
(18) as most people know, basically foreign money contribution to
(19) a political campaign or party is illegal. There are
(20) exceptions for green card holders, for domestic subsidiaries
(21) if those funds come from profits of that subsidiary.

(22) On the other hand, it is not illegal for a foreign
(23) entity to contribute to a 501(c)(4) or similar organization
(24) if that organization does not do too much political
(25) activity, and that is a very gray area in the law and is not

(1) too closely associated with a political group, but if the
(2) organization is too closely associated with a political
(3) organization or candidate, then there is an attribution that
(4) goes on there, and what the organization does is contribute
(5) to the party and vice versa and they must disclose their
(6) activities. So that is complicated enough under the present
(7) situation.

(8) It is not just a matter sometimes of a foreign entity
(9) sending a check over here to a political party, although
(10) that sometimes happens, too. The foreign money question is
(11) also significant from a political standpoint. I would
(12) assume most people would agree that at least on one level
(13) that a contribution from someone in England might be
(14) different from a contribution from someone in Syria. They
(15) would both be against the law, but from a political or
(16) sensitivity standpoint and what people should do, what the
(17) 501(c)(4) should do and that sort of thing is a political
(18) consideration that is a part of this overall structure.

(19) So it is significant, it is important, it is complex,
(20) and hopefully, you can help us understand a little bit more
(21) not only what happened in this particular series of
(22) transactions, but illuminate us as to some of the
(23) intricacies and pitfalls and questions and loopholes with
(24) regard to this whole area of foreign money.

(25) Senator Glenn. Mr. Chairman?

(1) Chairman Thompson. Senator Glenn?
(2) Senator Glenn. Mr. Chairman, before Mr. Becker starts,
(3) I feel I must respond to your comment about issuing the
(4) subpoena to the NPF on April 9th. It was issued on April
(5) 9th, and now it is July 23rd. We have yet to hear a
(6) response to that subpoena.
(7) We have some papers we have gotten from them that they
(8) gave voluntarily, most of them because we already had some
(9) of the papers from other sources, but each time they have
(10) given us any papers or any information, they have specified,
(11) made very specific, that this was not being done in response
(12) to our subpoena. So I have no idea whether we have a
(13) complete picture on NPF or not.
(14) I was not going to bring that up. I originally thought
(15) I would put it in my opening statement and decided not to,
(16) but we are looking forward to the day when we get NPF's
(17) subpoena. There have been rumors. I think it was published
(18) in the New York Times at one time. There were other sources
(19) of foreign money besides the one we are investigating today
(20) that might be in the NPF, and it was in quotes from an
(21) informant. So we are looking forward to getting a response
(22) to the subpoena to the NPF that was issued on April 9th.
(23) Thank you.
(24) Chairman Thompson. I understand that they have made
(25) some legal reservations and turned over some documents. I

(1) have put down an order against them. I think I have only
(2) put down two orders of this nature in the entire
(3) investigation, and one of them was against the National
(4) Policy Forum.
(5) So, if information comes to my attention that they or
(6) anybody else violates the order, we will take appropriate
(7) action, but we can carry on this compliance debate forever
(8) if we want to.
(9) Mr. Becker?
(10) Mr. Becker. Thank you. Senator. Thank you for those
(11) kind words. Good morning.
(12) Chairman Thompson. I am sorry. I do need to swear you
(13) in. Would you stand. Do you solemnly swear that the
(14) testimony you are about to give will be the truth, the whole
(15) truth, and nothing but the truth, so help you, God?
(16) Mr. Becker. I do.
(17) Chairman Thompson. Thank you.

(1) TESTIMONY OF BENTON L. BECKER, ESQ., COUNSEL FOR
(2) AMBROUS TUNG YOUNG AND YOUNG BROTHERS DEVELOPMENT
(3) (USA), INC.
(4) Mr. Becker. Good morning. My name is Benton Becker.
(5) I am a practicing attorney in Coral Gables, Florida, and a
(6) lecturer of constitutional law at the University of Miami.
(7) I appear before you voluntarily today as counsel to my
(8) clients, Mr. Ambrous Young, a resident of Hong Kong, and
(9) Young Brothers Development (USA), a Florida corporation.
(10) Mr. Young has voluntarily given a sworn deposition to
(11) this Committee's staff and has authorized me to appear and
(12) provide you with information concerning his dealings with
(13) the Republican National Committee and the National Policy
(14) Forum. In bringing these facts before the Committee, we
(15) hope to help the Committee in its important work.
(16) I want to preface these remarks by noting that I was
(17) not personally a party to many of the events I will describe
(18) today. However, since the Committee contacted me nearly two
(19) months ago, at Mr. Young's direction, I have attempted to
(20) familiarize myself with every aspect of Mr. Young's
(21) relationship with the National Policy Forum.
(22) Perhaps the best starting point for my testimony this
(23) morning is the creation of Young Brothers Development (USA),
(24) in Florida. There has been some confusion and
(25) misinformation about this entity in the press, and I would

(1) like to take a few minutes to clarify some of the issues
(2) surrounding it.
(3) In 1991, a gentleman by the name of Mr. Alex Courtelis
(4) approached Mr. Young on the subject of investing in real
(5) estate in Orlando, Florida. Mr. Courtelis owned several
(6) shopping centers in the Florida area and was a well-known
(7) individual.
(8) In addition, he was active in the National Republican
(9) Party. Specifically, Mr. Courtelis was at the time the
(10) chairman of the Republican Party Team 100 which was a group
(11) comprised of the party's largest donors.
(12) Mr. Young resided in Hong Kong and was active in the
(13) Republican organization known as Republicans Abroad, and he
(14) met Mr. Courtelis through their mutual association with
(15) Republican matters.
(16) Mr. Courtelis was interested in selling a Florida
(17) shopping center to the Hong Kong company with whom Mr. Young
(18) was associated. The name of that company is Young Brothers
(19) Development, Ltd. (Hong Kong). That company had at the time
(20) holdings in various nations throughout the world and was
(21) interested in making an investment in the United States.
(22) In 1991, Mr. Young considered the possibility of the
(23) Hong Kong company investing in Mr. Courtelis Riverwalk
(24) Shopping Center in Orlando, Florida, and those conversations
(25) ultimately concluded with a decision to purchase the

(1) shopping center from Mr. Courtelis, worth approximately at
(2) the time \$13 million, subject to final appraisals and due
(3) diligence by Mr. Young's company in Hong Kong.
(4) Mr. Young and Mr. Courtelis decided that a newly formed
(5) U.S. corporation, specifically a wholly owned subsidiary of
(6) the Hong Kong company, should be the purchasing vehicle for
(7) the shopping center. With this in mind, Young Brothers
(8) Development (USA) was established as a Florida corporation.
(9) My law firm was engaged to do the legal work and to
(10) facilitate banking signatory requirements. I was appointed
(11) an officer and director. Mr. Richard Richards was
(12) designated president and board chairman.
(13) The corporation was funded with \$2.7 million
(14) transferred from its parent corporation, YBD (Hong Kong). I
(15) should note that Mr. Richards is an attorney and former head
(16) of the Republican National Committee and was at the time and
(17) is at the present time still a confidant of Mr. Ambrous
(18) Young.
(19) Due to conflicting appraisals, the shopping center
(20) purchase ultimately aborted at the closing, and almost all
(21) of the transferred funds were wired back by YBD (USA) to the
(22) Hong Kong parent. Some funds were retained by the Florida
(23) corporation to pay for a commitment Mr. Young had made to
(24) Mr. Courtelis during Mr. Young and Mr. Courtelis' discussion
(25) on the shopping center purchase.

(1) Mr. Courtelis asked Mr. Young if he would be interested
(2) in becoming a member of the RNC organization known as Team
(3) 100. Mr. Courtelis suggested that the Hong Kong company's
(4) newly formed U.S. subsidiary should purchase the Team 100
(5) membership. After consulting with Mr. Richards on this
(6) matter, Mr. Young agreed that the newly formed U.S.
(7) corporation would purchase the Team 100 membership, thereby
(8) allowing Mr. Young's sons and Mr. Richards, who resided in
(9) the United States, to participate in Team 100-sponsored
(10) events.
(11) Mr. Courtelis directed that two checks be written by
(12) the Florida corporation, one in the amount of \$75,000
(13) payable to the Republican National State Election Committee
(14) and a second in the amount of \$25,000 payable to the
(15) Republican Party of Florida. As was the case with all YBD
(16) (USA) checks, Mr. Richards and I cosigned these checks.
(17) Over the course of the next two years, three more
(18) checks were written on the account of YBD (USA) to
(19) Republican Party-related entities: one for \$2,400 to the
(20) RNSEC, a registration fee for a convention; another for
(21) \$20,000 to the RNC and negotiated by a State committee of
(22) the RNC; and a third for \$5,000 payable to the RNSEC. These
(23) latter two, as close as we have been able to determine,
(24) constitute the dues for the Team 100 membership in the year
(25) 1993.

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(1) Also, on June 1, 1994, YBD (USA) purchased a dinner
(2) table for the Republican House/Senate Dinner with a payment
(3) of \$20,000. The funds for this purchase were transferred
(4) from YBD (USA)'s savings account to its checking account and
(5) may have been all or in part YBD (USA)'s funds.

(6) In recent months, all of the above funds have been
(7) returned to YBD (USA) by the original receiving entities.
(8) At all times, when each of the contributions were made, YBD
(9) (USA) relied upon Mr. Courtelis' original suggestion to use
(10) the U.S. subsidiary of the Hong Kong corporation and of the
(11) RNC's knowledge, presumably through Mr. Courtelis, of YBD
(12) (USA)'s corporate structure.

(13) These events are a background. I now would want to
(14) relate how Young Brothers Development (USA) ended up
(15) guaranteeing a \$2.1-million loan for the National Policy
(16) Forum.

(17) In the summer of 1994, an individual named Fred
(18) Volcansek, who I understand is a political operative and
(19) political fund-raiser, was asked by Mr. Haley Barbour, who
(20) was then chairman of both the Republican National Committee
(21) and the National Policy Forum, to attempt to obtain either a
(22) loan or loan guarantee in the amount of \$3.5 million for the
(23) National Policy Forum.

(24) Mr. Volcansek knew Richard Richards. Mr. Volcansek
(25) apparently also knew that Mr. Richards had represented Mr.

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(1) Young and that Mr. Young was a businessman based in Hong
(2) Kong.

(3) Mr. Volcansek approached Mr. Richards with the
(4) possibility of having Mr. Young's Hong Kong corporation make
(5) a loan to the National Policy Forum. Mr. Volcansek's
(6) approach to Mr. Richards was followed by Mr. Barbour's
(7) approach to Mr. Richards on the same subject. Mr. Barbour
(8) and Mr. Richards discussed the possibility numerous times by
(9) telephone. Both Mr. Barbour and Mr. Richards spoke directly
(10) to Mr. Young about this prospect.

(11) Ultimately, a dinner was scheduled in Washington, D.C.,
(12) in late August 1994 with Mr. Young in attendance, Mr.
(13) Barbour, Mr. Richards, Mr. Volcansek, and others, wherein
(14) the subject of the loan guarantee was discussed.

(15) Mr. Young did not agree to the loan or to the loan
(16) guarantee at the August dinner, although the matter was
(17) discussed at length, and thereafter during numerous
(18) telephone conversations between Mr. Young and Mr. Barbour.
(19) Mr. Young always indicated a willingness to consider it, but
(20) resisted accepting. Among the matters discussed at the
(21) dinner was the possibility that Mr. Young might contribute
(22) one or more articles to the National Policy Forum magazine
(23) expressing Mr. Young's view on U.S. foreign policy and
(24) Greater China. Mr. Young eventually did so, although the
(25) publication of these articles was not of great concern to

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(1) Mr. Young.

(2) At some point shortly before the August 29, 1994, D.C.
(3) dinner, Mr. Young contacted my office and asked me for my
(4) opinion. I knew nothing about the National Policy Forum,
(5) although I had represented the Republican National Committee
(6) in the 1970's and 1980's in certain litigation. Mr. Young
(7) and I felt it important that if Mr. Young's corporation was
(8) to agree to collateralize such a substantial loan, that
(9) collateral must be secured.

(10) I consulted Dick Richards on this matter, who agreed.
(11) He also noted his experience with the Republican Party was
(12) that the RNC was capable of raising substantial funds. We
(13) were all of the opinion that the RNC should serve as a form
(14) of safety net or guarantor to Mr. Young's company, as have
(15) been previously assured to Mr. Young in papers Mr. Barbour
(16) caused to be delivered to Mr. Young.

(17) I discussed my concerns with Mr. David Norcross, the
(18) general counsel of the RNC and also the general counsel of
(19) the National Policy Forum. The result of those
(20) conversations was a letter written to me by Mr. Barbour
(21) dated August 30, 1994, wherein Mr. Barbour write, and I
(22) quote, "Because NPF--that is National Policy Forum--is
(23) separate from the Republican National Committee, the RNC is
(24) not automatically responsible for its debts. Nevertheless,
(25) I am committed to making sure NPF raises sufficient funds to

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(1) cover its operations and pay off any and all its debts.
(2) Moreover, as Chairman of the RNC, in the event NPF defaults
(3) on any debt, I will ask the Republican National Committee to
(4) authorize me to guarantee and pay off any NPF debts. I am
(5) confident the RNC would grant me such authority at its next
(6) meeting, provided there is valid, outstanding debt of NPF to
(7) a U.S. bank or other lending institution, guaranteed by a
(8) U.S. citizen or domestic corporation," end of quote.

(9) Heartened by this assurance, Mr. Young and I still did
(10) not believe we knew enough about the National Policy Forum,
(11) which had been previously described to us as a tax-exempt,
(12) non-political think tank that was to be the recipient of the
(13) bank loan guaranteed by YBD (USA) with funds borrowed from
(14) its parent corporation in Hong Kong.

(15) I attempted to ascertain the financial condition of the
(16) National Policy Forum. I contacted a Mr. Bolton, the
(17) president of the National Policy Forum, who provided me with
(18) information, including fund-raising results of the National
(19) Policy Forum and a breakdown of National Policy Forum
(20) pledges in place on a month-to-month basis. Based on what I
(21) saw, although approximately \$2 million in debt to the RNC at
(22) the time, the National Policy Forum appeared to be taking in
(23) significant contributions, mostly from well-respected
(24) Fortune 500 companies.

(25) Given the RNC commitment to seek authorization to pay

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(1) off the NPF debt in the event of an NPF default, Mr.
(2) Richards' advice that no RNC chairman would be refused such
(3) a request by the RNC, my personal experience with the
(4) integrity of past RNC chairpersons and independent counsel's
(5) opinion of the propriety of the loan guarantee, Mr. Young
(6) was more comfortable with moving forward with the loan
(7) guarantee.

(8) Mr. Young agreed to a loan guarantee, but the National
(9) Policy Forum, through Young Brothers (USA), in the amount of
(10) \$2.1 million. Working with Mr. Norcross and others are the
(11) lending bank, the Signet Bank, a loan guarantee was
(12) structured whereby YBD (USA) purchased eleven \$190,000
(13) certificates of deposit at the Signet Bank in Washington
(14) with funds wired from its parent corporation. Those
(15) certificates of deposit were the collateral for the NPF
(16) loan.

(17) It was structured that the NPF would make quarterly
(18) payments over the course of three years and that with each
(19) payment, a certificate of deposit would be released and the
(20) funds wired back directly to the Hong Kong parent.

(21) I was told by officers of NPF and by Mr. Norcross that
(22) the NPF expected the loan to be paid off on an accelerated
(23) basis and that the YBD (USA) collateral would be released
(24) early. All of the money used by YBD (USA) to purchase the
(25) certificates of deposit for collateral came in the form of a

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(1) loan from its parent corporation in Hong Kong. Young
(2) Brothers Development (USA) had at the time and continues at
(3) the present time to have no significant assets or income.

(4) On October 13, 1994, a \$2.1-million loan was put into
(5) places. I have learned that almost immediately the NPF
(6) transferred approximately \$1.6 million of the money it
(7) received from the Signet Bank to the RNC.

(8) I am aware that in early 1995, Mr. Young traveled to
(9) Washington, D.C., for medical reasons, and that while there,
(10) Mr. Barbour arranged for Mr. Young to meet with
(11) then-Speaker-Elect Newt Gingrich, Senator Bob Dole, and NPF
(12) president, John Bolton. As I understand it, none of these
(13) meetings were substantive. I believe Mr. Richards was at
(14) the meeting with Senator Dole. I was not in attendance.
(15) In the summer of 1995, I have learned Mr. Barbour
(16) visited Mr. Young in Hong Kong. Mr. Young entertained Mr.
(17) and Mrs. Barbour on a yacht owned by the Hong Kong
(18) corporation.

(19) In Mr. Young's deposition testimony taken by this
(20) Committee, Mr. Young stated that Mr. Barbour asked Mr. Young
(21) if Mr. Young would be willing to forgive the loan guarantee;
(22) that is, to allow the National Policy Forum to default the
(23) Signet Bank loan and the bank to forfeit the YBD (USA)
(24) collateral.

(25) At his deposition, Mr. Young testified that this

(1) request from Mr. Barbour was unexpected and categorically
(2) refused. His response was, and I am quoting from Mr.
(3) Young's deposition, "I said no in the manner of an apology.
(4) I explained to him that we have difficulties to do that,
(5) because the YBD USA money, which was guaranteed under the
(6) form of certificate, deposit certificate, for the Forum
(7) loan, was a loan from YBD Hong Kong...we are facing
(8) government audit every year. Without justification the
(9) directors, or the board--of YBD (Hong Kong)--who approved
(10) such loan could face--Hong Kong--government punishment, so
(11) therefore I explained this cannot be done," end of quote.
(12) That is Mr. Young's deposition, page 57, lines 18 through
(13) 25, and page 58, line 1.
(14) Several months later, Mr. Barbour asked Mr. Young to
(15) accompany him to the People's Republic of China. Mr. Young
(16) was reluctant to undertake the trip, but agreed to do so at
(17) the request of Mr. Barbour. Mr. Young testified at his
(18) deposition that the trip was of little importance and that
(19) he was frankly surprised that Mr. Barbour, as chairman of a
(20) major U.S. political party, was not afforded a more
(21) impressive welcome. Mr. Barbour and Mr. Young did meet with
(22) the Chinese foreign minister, but there was no substantive
(23) discussion on any particular issue. Much of the trip, in
(24) fact, was devoted to sightseeing.
(25) In January 1996, the National Policy Forum missed a

(1) loan payment to the lender bank. An arrangement was agreed
(2) to subsequently by the bank, the NPF and YBD (USA) with
(3) regard to this single payment, whereby the current timing of
(4) that payment would be deferred and placed at the end of the
(5) loan period.
(6) In April of 1996, a far more serious event occurred.
(7) The National Policy Forum failed to make the payment when
(8) due to the bank, and the National Policy Forum informed the
(9) bank without informing YBD (USA) or Mr. Young that the
(10) National Policy Forum would make no further payments to the
(11) bank on its loan, thereby forfeiting the balance of the
(12) collateral posted by YBD (USA), at the time in the amount of
(13) approximately \$1.5 million.
(14) A notice of default was issued by the bank which
(15) understandably caused great concern to Mr. Young. Mr.
(16) Richards immediately attempted, without success, to contact
(17) Mr. Barbour and the NPF president, John Bolton. I contacted
(18) David Norcross, the general counsel of the National Policy
(19) Forum and the RNC.
(20) To my surprise, Mr. Norcross informed me that Mr.
(21) Barbour had informed Mr. Norcross that Mr. Richards told Mr.
(22) Barbour that Mr. Young was willing to forfeit the
(23) collateral. Mr. Young insisted that no such authorization
(24) had ever been given and that, to the contrary, throughout
(25) Mr. Barbour's numerous entreaties to Mr. Young seeking

(1) forgiveness of the loan guarantees, Mr. Young steadfastly
(2) refused.
(3) When I asked Mr. Richards about that, he told me, he
(4) had not told Mr. Barbour that Mr. Young had authorized an
(5) NPF forfeiture of the loan. Moreover, to put the matter to
(6) rest, lest there be a misunderstanding, Mr. Young wrote a
(7) letter to Mr. Barbour indicating that he expected the loan
(8) to be paid in full. All of these efforts to correct what we
(9) initially believe to be a misunderstanding were ignored.
(10) At this point, I wrote Mr. Norcross and cited Mr.
(11) Barbour's August 30, 1994, letter, wherein Mr. Barbour had
(12) given assurance that in the event of an NPF default, the RNC
(13) would step in. I again spoke to Mr. Richards who suggested
(14) that perhaps the NPF default could be raised at the next
(15) meeting of the Budget Committee of the RNC, which was to be
(16) held in August 1996 at the Republican National Convention.
(17) The hope was that the RNC would honor the written commitment
(18) of its chairman. Mr. Norcross wrote back and assured me
(19) that the issue would be placed on the agenda. At the
(20) convention, the Budget Committee convened, and when the
(21) issue was raised, Mr. Bolton moved to table it. The issue
(22) went nowhere.
(23) During this period, Mr. Richards attempted to telephone
(24) John Bolton and Mr. Barbour on numerous occasions. None of
(25) his calls were returned. On September 17, 1996, Mr.

(1) Richards wrote a single-spaced, three-paged letter to Mr.
(2) Barbour. In that letter, Mr. Richards sought to recite the
(3) history of the loan guarantee and the events surrounding its
(4) breach as he perceived them. He received no reply to this
(5) letter. A second letter was sent by Mr. Richards to Mr.
(6) Barbour on October 16th urging a resolution. Again, no
(7) reply was received.
(8) Mr. Richards' letter, however did put Mr. Barbour on
(9) notice that Mr. Young was not going to fade away into the
(10) night. I think the correspondence from Mr. Richards and
(11) correspondence between Mr. Norcross and me in the weeks that
(12) followed demonstrated that Mr. Young was seriously
(13) considering initiating legal action against the National
(14) Policy Forum and the Republican National Committee.
(15) Mr. Norcross contacted me in the first week of November
(16) 1996, and Mr. Norcross and I began the first serious
(17) settlement discussions about this dispute. Ultimately, Mr.
(18) Young agreed to Mr. Barbour's settlement offer of \$800,000,
(19) which was slightly more than half of the outstanding loss
(20) sustained by the Florida corporation. In fact, the Florida
(21) corporation received only \$745,000 in settlement from the
(22) NPF because it was subsequently learned that little more
(23) than \$55,000 in interest had been held by the Signet Bank on
(24) a YBD certificate of deposit and ultimately paid by the bank
(25) to YBD (USA). The National Policy Forum, we were told,

(1) insisted upon a \$55,000 reduction in its settlement payment.
(2) I believe that Mr. Young and Mr. Richards acted
(3) honorably throughout this series of events. Virtually
(4) everything that I have read to you in this statement has
(5) been documented and voluntarily delivered to this Committee.
(6) I appreciate having the opportunity to appear and to respond
(7) to the Committee's questions about this matter.
(8) [The prepared statement of Mr. Becker follows.]

(1) Chairman Thompson. Thank you very much, Mr. Becker. I
(2) will reserve my time.
(3) Senator Glenn, you may proceed at this time, if you
(4) wish.
(5) Senator Glenn. Thank you, Mr. Chairman. I yield my
(6) time to counsel, Alan Baron.
(7) Mr. Baron. Thank you, Senator Glenn.
(8) Good morning, Mr. Becker.
(9) Mr. Becker. Good morning.
(10) Mr. Baron. I think you were kind of modest about your
(11) background. I would like to go through some of your
(12) professional experience.
(13) After graduating from law school, as I understand it,
(14) you held a position with the Criminal Division of the
(15) Department of Justice?
(16) Mr. Becker. Yes, sir.
(17) Mr. Baron. And you then opened a private practice of
(18) law in Washington?
(19) Mr. Becker. Yes, sir.
(20) Mr. Baron. How long did you do that?
(21) Mr. Becker. That practice ultimately merged with
(22) another practice, and we stayed in Washington, my family and
(23) I, through September of 1977, I believe.
(24) Mr. Baron. Am I correct that you had occasion to
(25) represent former President Ford in connection with his

(1) nomination hearings?
 (2) Mr. Becker. The confirmation proceedings for the
 (3) Office of Vice President.
 (4) Mr. Baron. Of Vice President.
 (5) Mr. Becker. I represented him at the Senate and at the
 (6) House.
 (7) Mr. Baron. When Vice President Ford became President
 (8) Ford, did you also participate in assisting him as his
 (9) counsel?
 (10) Mr. Becker. Yes. During those difficult months, I was
 (11) called on many times by President Ford and honored to serve
 (12) him. Among other things, I think where you are headed is
 (13) the-participated in the negotiation of the pardon terms
 (14) with Mr.-with the ex-President, Nixon.
 (15) Mr. Baron. And when you moved to Florida, when was
 (16) that?
 (17) Mr. Becker. September 1977, after Mr. Ford's defeat.
 (18) Mr. Baron. And then you were with the Attorney
 (19) General's office down there?
 (20) Mr. Becker. No. I was-no, I moved to Florida and
 (21) took a professorship at the University of Miami School of
 (22) Law and stayed there for about four years and then joined
 (23) Janet Reno, our Attorney General, who was then the Dade
 (24) County State Attorney, and joined her staff.
 (25) Mr. Baron. And do you still hold a position either as

(1) professor or as a lecturer at the University of Miami?
 (2) Mr. Becker. Yes. Yes, I do.
 (3) Mr. Baron. In what area in particular?
 (4) Mr. Becker. Constitutional law.
 (5) Mr. Baron. Now, let me turn to your relationship with
 (6) Ambrous Young. I take it, a time came when you established
 (7) a professional relationship with Mr. Young?
 (8) Mr. Becker. Yes, sir.
 (9) Mr. Baron. His company is generally known as Young
 (10) Brothers Development. There is a Hong Kong company, you
 (11) have referred to as the USA company; is that correct?
 (12) Mr. Becker. That is right.
 (13) Mr. Baron. Am I correct that in your dealings with
 (14) regard to those companies, Mr. Ambrous Young is the person
 (15) with whom you deal?
 (16) Mr. Becker. That is correct.
 (17) Mr. Baron. As you have testified, a time came when you
 (18) established a Florida subsidiary or a United States
 (19) subsidiary for Young Brothers Development (Hong Kong)?
 (20) Mr. Becker. Yes. That was done in conjunction with
 (21) the purchase of the shopping center with Mr. Courtelis, and
 (22) that was in, I believe, October of 1991.
 (23) Mr. Baron. And you and Mr. Richard Richards became
 (24) officers of that entity?
 (25) Mr. Becker. Yes, sir.

(1) Mr. Baron. You have two books in front of you. These
 (2) are exhibits.
 (3) Mr. Becker. All right.
 (4) Mr. Baron. Could you turn to Exhibit No. 388, please?
 (5) Mr. Becker. All right. These are big books, Mr.
 (6) Baron.
 (7) Mr. Baron. We have got lots of exhibits.
 (8) Mr. Becker. I have it, 388.
 (9) Mr. Baron. Could you simply, briefly identify that
 (10) document? It is dated October 11, 1991, and am I correct
 (11) that that related to the structure of the Young Brothers
 (12) Development investment vehicle in the shopping center?
 (13) Mr. Becker. Yes. It is one of the documents we gave
 (14) to the Committee. It is a memorandum from me to Dick
 (15) Richards describing the structure of the new corporation in
 (16) Florida.
 (17) Mr. Baron. I believe you have also stated in your
 (18) opening statement under oath that 2.7-approximately-million
 (19) dollars was wired from Hong Kong, the Hong Kong corporation,
 (20) to YBD (USA) in order to consummate the anticipated
 (21) investment?
 (22) Mr. Becker. Yes, that is correct.
 (23) Mr. Baron. Now, you also testified that the deal fell
 (24) through; is that correct?
 (25) Mr. Becker. That is correct.

(1) Mr. Baron. At that time, was a substantial portion of
 (2) the money that had been wired from Hong Kong returned to
 (3) Hong Kong?
 (4) Mr. Becker. Yes. I think everything but \$120,000.
 (5) Mr. Baron. Would you take now a look at Exhibit 393?
 (6) Mr. Becker. I have it.
 (7) Mr. Baron. In there, we see several checks, do we not?
 (8) Mr. Becker. Two checks, the checks I described in my
 (9) opening statement, one for \$75,000 to the Republican
 (10) National State Election Committee and one for \$25,000 to the
 (11) Republican Party of Florida, both dated November 19th. They
 (12) were written on the account of Young Brothers (USA), and
 (13) these are the Team 100 membership checks.
 (14) Mr. Baron. Behind that, I believe there is a check
 (15) payable to the RNSEC in the amount of \$2,400 that you have
 (16) also referred to?
 (17) Mr. Becker. Yes. That is the check that I am told was
 (18) a-and in the lower left-hand corner, it reads RNC
 (19) convention registration, Team 100 member, Ambrous Young.
 (20) Mr. Baron. And behind that, there should be two
 (21) additional checks, one payable to the RNC in the amount of
 (22) \$20,000 and another one payable to the RNSEC in the amount
 (23) of \$5,000. Do you see those?
 (24) Mr. Becker. Yes, I do.
 (25) Mr. Baron. Those are all checks that were returned to

(1) you at some point by the RNC, sometime earlier this year? I
 (2) am sorry. Not the checks themselves, but the money
 (3) refunding?
 (4) Mr. Becker. The funds. The funds have been returned
 (5) to YBD (USA) as a result of this Committee's investigation,
 (6) I believe.
 (7) Mr. Baron. Now, could you turn to Exhibit 390, please?
 (8) Mr. Becker. I have it.
 (9) Mr. Baron. Now, that refers to a-in your opening
 (10) statement, you mention that Young Brothers Development (USA)
 (11) had more recently received a refund of \$20,000. How
 (12) recently did that check come back?
 (13) Mr. Becker. Well, 390 includes the copy of the letter,
 (14) the cover letter of an individual identifying himself as
 (15) having something to do with the 1994 Republican Senate/House
 (16) Dinner, along with the \$20,000 check, payable to Young
 (17) Brothers (USA), and that was dated June 20, 1997.
 (18) Mr. Baron, you will recall that I contacted your office
 (19) almost, I believe, within 24 hours after my receipt of that
 (20) and informed you of this.
 (21) Mr. Baron. And you produced the documentation relating
 (22) to this latest refund, I believe, in the last day or so?
 (23) Mr. Becker. Yes, sir.
 (24) Mr. Baron. Okay, thank you.
 (25) Now, I would like to move on to your testimony

(1) concerning the loan guarantee that Young Brothers (USA)
 (2) entered into in 1994. Could we prepare slide 277A, please,
 (3) and could you refer to Exhibit 277.
 (4) In your opening statement, you refer to the fact that
 (5) an individual named Fred Volcansek was involved in
 (6) initiating the loan deal between the National Policy Forum
 (7) and Mr. Ambrous Young. Do you recall that?
 (8) Mr. Becker. Yes, sir.
 (9) Mr. Baron. Would you look at Exhibit 277?
 (10) Mr. Becker. I have it.
 (11) Mr. Baron. Okay. And when did you first see this
 (12) document?
 (13) Mr. Becker. Are you talking about slide 277?
 (14) Mr. Baron. Well, either one, but look at 277 itself.
 (15) Mr. Becker. The talking point document?
 (16) Mr. Baron. Right, talking points for Haley Barbour
 (17) dated July 28, 1994. Do you see that?
 (18) Mr. Becker. Yes. Yes, I have it in front of me, one
 (19) of the documents we voluntarily gave to this Committee.
 (20) Mr. Baron. Right. And-
 (21) Mr. Becker. I didn't see this document until three,
 (22) four months ago, although it is dated July 1994.
 (23) Mr. Baron. This was part of your investigation into
 (24) the relationship between the National Policy Forum and Mr.
 (25) Young-

(1) Mr. Becker. Yes.
 (2) Mr. Baron. -and his companies?
 (3) Mr. Becker. Yes.
 (4) Mr. Baron. And is it your understanding that this
 (5) document was created by Mr. Fred Volcansek for Mr. Barbour
 (6) to approach Mr. Dick Richards about the possibility of
 (7) getting Mr. Ambrous Young to either make a loan or a loan
 (8) guarantee through one of his companies? Is that correct?
 (9) Mr. Becker. It would appear Mr. Volcansek is giving
 (10) Mr. Barbour eight points to raise when Mr. Barbour speaks to
 (11) Mr. Richards about the loan--persuading Mr. Young to give a
 (12) loan guarantee to the National Policy Forum.
 (13) Mr. Baron. And can I direct your attention to
 (14) paragraph 5 of that document? Let me read from it, and
 (15) please check me that I am accurate. It says, "We would like
 (16) to propose a loan from Ambrous Young's family to the NPF
 (17) which will allow us to free up the money previously advanced
 (18) to the NPF and make it available for the elections." Is
 (19) that an accurate reading?
 (20) Mr. Becker. That is what it says, yes.
 (21) Mr. Baron. Now, the talking points for Mr. Barbour
 (22) were dated July 28, 1994. Would you now turn to Exhibit
 (23) 278?
 (24) Mr. Becker. I have it.
 (25) Mr. Baron. All right. Am I correct, sir, that you

(1) Mr. Baron. Do you have that? I am going to quote it,
 (2) and make sure that I am accurate. Mr. Young is being asked
 (3) about what was discussed at the dinner. Is that correct?
 (4) Mr. Becker. The question is, "Can you describe in
 (5) general what you recall about the discussion at the dinner?"
 (6) Mr. Baron. And his response was as follows, am I not
 (7) correct, "The discussion basically...Mr. Haley Barbour
 (8) requested me to consider for the loan of \$3.5 million "and
 (9) assured me of the safe return of the" money. I "requested
 (10) him to give us more information so that we can present it to
 (11) YBD Hong Kong board of directors for further consideration."
 (12) Do you see that?
 (13) Mr. Becker. Yes, sir.
 (14) Mr. Baron. Okay.
 (15) Mr. Becker. I think you--
 (16) Mr. Baron. There is a slight ellipsis in there.
 (17) Mr. Becker. You said "money," and the actual word was
 (18) "loan." That is printed here, but you have read it
 (19) correctly with that one exception.
 (20) Mr. Baron. I am sorry. Thank you.
 (21) Mr. Becker. "...assured me of the safe return of the
 (22) loan." I believe you said "money," Mr. Baron.
 (23) Mr. Baron. I am sorry. My text here says "safe return
 (24) of the loan." So I misspoke.
 (25) All right. Would you take a look at Exhibit 283,

(1) received a copy of the document there, National Policy Forum
 (2) Proposal for Ambrous Young?
 (3) Mr. Becker. Yes. This document is dated August 15,
 (4) 1994, just about the time Mr. Young contacted me for the
 (5) first time on whether or not to go forward with this loan
 (6) guarantee, and Mr. Stephen Richards transmitted it to me.
 (7) Mr. Baron. Right. And directing your attention to the
 (8) text of the document, am I correct that it proposes a
 (9) \$3.5-million loan--
 (10) Mr. Becker. Are you talking about the second page of
 (11) this?
 (12) Mr. Baron. That is correct, the actual proposal
 (13) itself.
 (14) -from Mr. Young to the National Policy Forum, and it
 (15) states that the timing of the effort is crucial. Do you see
 (16) that?
 (17) Mr. Becker. The next-to-the-last paragraph on the
 (18) first page? I don't see the language about timing, but I
 (19) see the 3.5.
 (20) Mr. Baron. Okay. If you take a look on the next page,
 (21) the very last paragraph.
 (22) Mr. Becker. All right. The timing of this effort is
 (23) crucial.
 (24) Mr. Baron. Thank you.
 (25) Now, you were in attendance at Mr. Ambrous Young's

(1) please?
 (2) Mr. Becker. I have it. Yes, I have it.
 (3) Mr. Baron. When did you first come across that
 (4) document? It is a memo from Mr. Volcansek. It is dated
 (5) August 29, 1994, to Mr. Don Fierce and to Dan Denning. Is
 (6) that correct?
 (7) Mr. Becker. Yes. About--the answer to your question,
 (8) it was about 4 months ago, 4 or 5 months ago.
 (9) Mr. Baron. As part of your investigation?
 (10) Mr. Becker. Yes, sir. I don't know if I would
 (11) characterize it investigation. It was Mr. Young and Mr.
 (12) Richards and Steve Richards were told by Mr. Young to make
 (13) all of their records available to me so that I could make
 (14) them available to this Committee, and that is when I came
 (15) upon it. I don't know if I would characterize that as an
 (16) investigation.
 (17) Mr. Baron. Am I correct that in Exhibit 283, written
 (18) by Mr. Volcansek, among the things he suggests is that Mr.
 (19) Barbour write to Mr. Young? Is that correct? Right at the
 (20) top, the idea of a separate personal letter to Ambrous and
 (21) Haley.
 (22) Mr. Becker. Oh, yes. I'm sorry. Yes. That is the
 (23) first suggestion.
 (24) Mr. Baron. Would you turn, please, to Exhibit 287?
 (25) Mr. Becker. I have it.

(1) deposition that was taken in London?
 (2) Mr. Becker. Yes, sir.
 (3) Mr. Baron. You have a copy of that in there. Could
 (4) you turn to pages 25 and 26 of that deposition?
 (5) Mr. Becker. I have it.
 (6) Mr. Baron. Do you see where it says--I am going to
 (7) quote. I want you to be certain that I am accurate.
 (8) Mr. Becker. Are you reading from page 25?
 (9) Mr. Baron. Yes, beginning, "Republican party"--this
 (10) refers to Mr. Young's reaction to the proposal. Do you see
 (11) where it says the "Republican party needs help
 (12) financially..."
 (13) Mr. Becker. Yes, sir.
 (14) Mr. Baron. "...and as a loyal Republican...I should
 (15) consider this, and I said 'Look. The money is too big...'
 (16) and "...we are not in the position to do so,' so we started
 (17) to resist." Is that an accurate quote?
 (18) Mr. Becker. That's right. That's what Mr. Young said.
 (19) Mr. Baron. Now, subsequently, did Mr. Young come to
 (20) Washington to discuss the loan with Mr. Barbour?
 (21) Mr. Becker. Yes, he did. There was--that's the
 (22) dinner that I made reference to.
 (23) Mr. Baron. Right. And would you turn to page 35 of
 (24) Mr. Young's deposition, line 13?
 (25) Mr. Becker. I am there. I have it.

(1) Mr. Baron. That is a document dated August 30, 1994,
 (2) from Mr. Barbour to Mr. Young, is it not?
 (3) Mr. Becker. Yes, it is.
 (4) Mr. Baron. Among the things it says, it thanks Mr.
 (5) Young for agreeing to write an article for the winter
 (6) edition of Commonsense, the National Policy Forum journal?
 (7) Mr. Becker. Yes, it does.
 (8) Mr. Baron. Let me turn your attention to Exhibit 285.
 (9) I believe you testified--you stated in your opening
 (10) statement that prior to Mr. Young's being willing to commit
 (11) to a loan guarantee, he wanted to ask you to find certain
 (12) assurances so that he would be reasonably certain of getting
 (13) his collateral back?
 (14) Mr. Becker. That was one of the things that he wanted
 (15) me to do, yes.
 (16) Mr. Baron. Right. Exhibit 285, do you see that?
 (17) Mr. Becker. Yes. I have it in front of me.
 (18) Mr. Baron. Now, that is a letter to you from Mr. Haley
 (19) Barbour on the stationery of the Republican National
 (20) Committee, is it not?
 (21) Mr. Becker. Yes, it is.
 (22) Mr. Baron. Dated August 30, 1994?
 (23) Mr. Becker. Yes, it is.
 (24) Mr. Baron. Did you make efforts to obtain that letter
 (25) was part of your effort to gain some assurances that Mr.

(1) Young wanted to get in order to have some assurances
 (2) regarding his collateral?
 (3) Mr. Becker. I didn't specifically ask for a letter,
 (4) but I asked Mr. Norcross, the general counsel of the NPF and
 (5) the RNC, before Mr. Young's corporation would involve itself
 (6) with this loan guarantee that we would like to see some sort
 (7) of fall-back positions by the RNC in the event of a default
 (8) by the NPF. I wasn't demanding at the time that the RNC
 (9) become a party to—a formal party to the bank loan as a
 (10) guarantor, but that there be some commitment by the RNC that
 (11) we could rely upon that YBD (USA) would be rescued in the
 (12) event of an NPF default.
 (13) Mr. Baron. The slide which I believe is now on the
 (14) screen, and I am quoting, is part of the letter where Mr.
 (15) Barbour says to you, "As chairman of the RNC, in the event
 (16) the NPF defaults on any debt," I will ask the Republican
 (17) National Committee to authorize me to guarantee and pay off
 (18) any NPF debts. Is that correct?
 (19) Mr. Becker. That is correct. That is what it says.
 (20) Mr. Baron. Did there come a time that Mr. Young
 (21) decided to guarantee a loan for the National Policy Forum?
 (22) Mr. Becker. Yes.
 (23) Mr. Baron. You were engaged in that process of working
 (24) out the paperwork on the legal side?
 (25) Mr. Becker. I was asked to, yes.

(1) Mr. Becker. I didn't asked for an independent opinion
 (2) as to the legality of this transaction from Mr. Norcross,
 (3) and this is what we received.
 (4) Mr. Baron. The funding for the position of the
 (5) collateral was wired from Hong Kong, the Hong Kong
 (6) corporation to Young Brothers Development (USA); is that
 (7) correct?
 (8) Mr. Becker. That is correct.
 (9) Mr. Baron. Would you please turn to Exhibit 389?
 (10) Mr. Becker. I have it.
 (11) Mr. Baron. And am I correct that that is the account
 (12) of Young Brothers Development (USA, and it shows on October
 (13) the 12th, an incoming funds transfer of \$2,149,985, and the
 (14) next day, on October 13th, there is an outgoing funds
 (15) transfer of \$2,100,000? Is that correct?
 (16) Mr. Becker. That is correct.
 (17) Mr. Baron. And am I correct that that \$2,100,000 sent
 (18) out was to the Signet Bank to collateralize the loan?
 (19) Mr. Becker. Yes. This is all in 1994, October 1994.
 (20) Mr. Baron. So it came in on one day and went out the
 (21) next?
 (22) Mr. Becker. That is correct. It came in to Young
 (23) Brothers (USA) and went—and all but approximately \$50,000
 (24) was sent to Signet Bank to purchase the 11 certificates of
 (25) deposit that I have described.

(1) Mr. Baron. With whom did you work with to consummate
 (2) the loan guarantee?
 (3) Mr. Becker. Primarily, Mr. Norcross and
 (4) representatives of the Signet Bank.
 (5) Mr. Baron. Was Mr. Norcross, as you understood it at
 (6) that time, the RNC general counsel?
 (7) Mr. Becker. Mr. Norcross was the RNC general counsel,
 (8) and he had also identified himself to me as being the
 (9) National Policy Forum general counsel.
 (10) Mr. Baron. Okay, thank you.
 (11) Did there come a time when Mr. Young actually
 (12) agreed—before we go into that, could I ask you to look at
 (13) Exhibit 289?
 (14) Mr. Becker. I have it.
 (15) Mr. Baron. Now, there is a letter there. It shows a
 (16) copy to you. Do you see that on the second page?
 (17) Mr. Becker. Yes.
 (18) Mr. Baron. It is a letter from Ambrous Young writing
 (19) from Hong Kong to Mr. Haley Barbour; is that correct?
 (20) Mr. Becker. Yes.
 (21) Mr. Baron. Would you look at paragraph 3 at the bottom
 (22) of the first page?
 (23) Mr. Becker. I have it.
 (24) Mr. Baron. Would you read it into the record?
 (25) Mr. Becker. Paragraph 3 begins with the phrase, "If

(1) Mr. Baron. Now, could you turn to Exhibit 299, please?
 (2) Mr. Becker. I don't seem to have Exhibit 299 here.
 (3) Mr. Baron. Got it?
 (4) Mr. Becker. The October 13, 1994, letter?
 (5) Mr. Baron. Right.
 (6) Mr. Becker. Yes, I have it.
 (7) Mr. Baron. Now, that is a letter on the stationery of
 (8) National Policy Forum dated October 13, 1994, signed by
 (9) Stephen Walker, the comptroller, to a gentleman at the
 (10) Signet Bank; is that correct?
 (11) Mr. Becker. Yes. It would appear to be.
 (12) Mr. Baron. It is a disbursement plan, is it not, for
 (13) the \$2,100,000?
 (14) Mr. Becker. That is what it appears to be. I have
 (15) never seen this letter until I think about a week ago.
 (16) Mr. Baron. Do you note in paragraph 2, they use
 (17) \$500,000 to pay outstanding bills, retaining the difference
 (18) for working capital, and in paragraph 2, it says the
 (19) remaining \$1.6 million will be used to retire loans from the
 (20) RNC? But they do not want to receive payment. The RNC is
 (21) not to receive payment until October the 20th, a week later.
 (22) Do you see that?
 (23) Mr. Becker. That is what it says, Mr. Baron.
 (24) Mr. Baron. Are you aware of whether or not October
 (25) 20th was a filing deadline with the FEC? Do you know that?

(1) not possible." So I don't know if it has any meaning
 (2) without reading paragraph 2—
 (3) Mr. Baron. All right.
 (4) Mr. Becker. —prior to paragraph 3, if the "If not
 (5) possible" is modified at paragraph 2.
 (6) Paragraph 2 reads, "In consideration of the possible
 (7) consequences in addition to the financial liability, we
 (8) prefer to support the Republican Party under the same manner
 (9) which we have done in the past, if NPF's existing
 (10) requirements can be obtained from other channels," and then
 (11) paragraph 3 says, "If not possible, we are willing to
 (12) consider the support of \$2.1 million, which is the amount
 (13) you have expressed to me is urgently needed and directly
 (14) related to the November election."
 (15) Mr. Baron. Thank you.
 (16) Now, did there come a time when you saw an opinion
 (17) letter of counsel as the legality of the transaction?
 (18) Mr. Becker. Yes.
 (19) Mr. Baron. Was such a letter received?
 (20) Mr. Becker. Yes, it was.
 (21) Mr. Baron. If you will turn to Exhibit 292, I believe
 (22) you will find the letter there. That letter was done by Mr.
 (23) Mark Braden; is that correct?
 (24) Mr. Becker. Yes.
 (25) Mr. Baron. Do you recall receiving the letter?

(1) Mr. Becker. I have no knowledge of that.
 (2) Mr. Baron. Could you take a look at Exhibit 301,
 (3) please?
 (4) Mr. Becker. Yes, sir.
 (5) Mr. Baron. Now, that shows a check, does it not?
 (6) Mr. Becker. Yes.
 (7) Mr. Baron. In the amount of \$1,525,000 to the RNSEC on
 (8) the account of the National Policy Forum?
 (9) Mr. Becker. Dated October 20, 1994.
 (10) Mr. Baron. Right.
 (11) Mr. Becker. That is correct. That is what it is.
 (12) Mr. Baron. But you have not seen that before very
 (13) recently?
 (14) Mr. Becker. I have never seen this at all. It is the
 (15) first time I have ever seen this check. This is the
 (16) National Policy Forum—
 (17) Mr. Baron. Transmitting \$1,525,000 to the RNSEC?
 (18) Mr. Becker. Yes.
 (19) Mr. Baron. Thank you.
 (20) Mr. Becker. That is what it appears to be.
 (21) Mr. Baron. Now, could you look at Exhibit 302, please?
 (22) Mr. Becker. Yes, sir.
 (23) Mr. Baron. Now, am I correct that that is a letter to
 (24) Mr. Ambrous Young from Mr. Haley Barbour dated November 29,
 (25) 1994, after the election?

(1) Mr. Becker. Yes. It appears to be a letter on
(2) National Policy Forum stationery from Mr. Barbour dated
(3) November 29, 1994, to Mr. Young.
(4) Mr. Baron. And is it fair to characterize it as a
(5) thank you for his assistance?
(6) Mr. Becker. I suppose that is a fair characterization.
(7) Mr. Baron. Would you look at the bottom? There seems
(8) to be a handwritten note there. Could you quote that for
(9) me, please?
(10) Mr. Becker. Do you want me to read what it says?
(11) Mr. Baron. Can you read, please?
(12) Mr. Becker. Yes. It says, quote, "You're a champ.
(13) Many, many thanks for everything," end of quote.
(14) Mr. Baron. Now, subsequent to this, could you look at
(15) No. 304, please?
(16) Mr. Becker. Yes, I have it.
(17) Mr. Baron. That is a letter, again, on the National
(18) Policy Forum stationery to Mr. Young from Mr. Barbour, am I
(19) correct?
(20) Mr. Becker. Right. That is dated January 31, 1995.
(21) Mr. Baron. You testified--you stated in your opening
(22) statement that you understand that a speaker was arranged for
(23) Mr. Young through Mr. Barbour with Speaker-Elect Gingrich
(24) and with Senator Dole. Is that correct?
(25) Mr. Becker. Well, I said Mr. Young was in Washington.

(1) I don't know how the visit came about, but I know that Mr.
(2) Young was in Washington for medical reasons, and that while
(3) here, Mr. Barbour introduced him to the Speaker and to
(4) Senator Dole.
(5) Mr. Baron. And do you see that there is a reference to
(6) that meeting in the first paragraph of the letter, and at
(7) the bottom, there is a handwritten statement, "Great visit,
(8) Ambrous. Thanks for your help?" Do you see that?
(9) Mr. Becker. Yes, I see it.
(10) Mr. Baron. Did there come a time late in 1995 when, to
(11) your knowledge, Mr. Young met with Mr. Barbour in Hong Kong?
(12) Mr. Becker. Yes--well, Mr. Young has described to me a
(13) meeting with Mr. Barbour in Hong Kong--
(14) Mr. Baron. And it took place--
(15) Mr. Becker. --in 1995. I am not sure if it is
(16) mid-1995 or late 1995.
(17) Mr. Baron. And it took place on the yacht owned by
(18) Young Brothers Development (Hong Kong), am I correct?
(19) Mr. Becker. Yes, yes.
(20) Mr. Baron. Mr. Young has stated under oath, has he
(21) not, that at this time, unexpectedly--and I think you
(22) alluded to this in your opening statement--that Mr. Barbour
(23) asked if he was willing to forgive all or a portion of the
(24) outstanding collateral--the loan, the collateral that had
(25) been posted to support the NPF loan. Is that correct?

(1) Mr. Becker. Mr. Young so testified in a deposition in
(2) this matter.
(3) Mr. Baron. In fact, as you stated in your opening
(4) statement, Mr. Young testified under oath that he told Mr.
(5) Barbour he could not forgive the loan because the loan was a
(6) loan from YBD (Hong Kong), and among other things, it was
(7) subject to government audit in Hong Kong?
(8) Mr. Becker. That is a fair characterization of Mr.
(9) Young's testimony.
(10) Mr. Baron. Now, am I also correct that you are aware
(11) of the fact of a visit to Beijing with Mr. Young and Mr.
(12) Barbour and others?
(13) Mr. Becker. I am aware at the present time, yes. I
(14) wasn't at the time, but I am now, yes.
(15) Mr. Baron. I believe you testified that Mr. Young was
(16) surprised that Mr. Barbour had not gotten as much
(17) consideration as he thought he warranted?
(18) Mr. Becker. Well, I think that was part of Mr. Young's
(19) testimony. The questions, as I would characterize them,
(20) directed to Mr. Young on that subject was whether or not
(21) there was any kind of special favors afforded Mr. Young or
(22) Mr. Barbour by the representatives of the People's Republic
(23) and/or whether any business discussed with Mr. Barbour and
(24) the People's Republic and Mr. Young and the People's
(25) Republic during that visit where Mr. Richards was present as

(1) well, and the answers were no, there were none.
(2) Mr. Baron. I believe in your opening statement, you
(3) said through 1995, the loan obligation of NPF was paid
(4) regularly to the bank; is that correct?
(5) Mr. Becker. Yes, yes.
(6) Mr. Baron. But at the beginning of 1996, they missed a
(7) payment?
(8) Mr. Becker. Yes.
(9) Mr. Baron. If I understood your statement correctly,
(10) that payment was deferred to the back end of the loan. It
(11) was not forgiven. It was just pushed to the back of the
(12) loan?
(13) Mr. Becker. All parties agreed to that. Yes, sir.
(14) Mr. Baron. But in April of 1996, as I understand it,
(15) the National Policy Forum again missed a payment, and I
(16) believe you were advised by the Signet Bank that the loan
(17) was in default?
(18) Mr. Becker. I was formally advised by the bank of the
(19) missed payment in April, and I was formally advised by the
(20) bank that the bank was told by the National Policy Forum
(21) that the National Policy Forum did not intend to make any
(22) further payments.
(23) Mr. Baron. Could you take a look at No. 333?
(24) Mr. Becker. Yes, sir.
(25) Mr. Baron. Am I correct that that is the letter that

(1) you received from the bank advising you that the loan was in
(2) default?
(3) Mr. Becker. Yes. This is the letter that I have just
(4) described. The second paragraph says--the second
(5) sentence--full sentence in the second paragraph says,
(6) "Borrower has failed to pay and has advised the bank that it
(7) will not pay the principal balance of \$191,000 due under the
(8) credit."
(9) Mr. Baron. Now, that was the first you heard of it.
(10) You had not heard about this from National Policy Forum.
(11) You heard about it from the bank. Is that correct?
(12) Mr. Becker. That is correct. That is correct.
(13) Mr. Baron. Now, subsequent to that--and I ask you to
(14) look at Exhibit 334--did Mr. Richards attempt to get the
(15) National Policy Forum to make payments on its loan?
(16) Mr. Becker. Well, following receipt of Exhibit 333, I
(17) contacted Mr. Richards and Mr. Young immediately, and Mr.
(18) Richards did, in fact, try to make efforts to reach Mr.
(19) Barbour and Mr. Bolton to resolve this matter. Mr. Young
(20) ultimately wrote Mr. Barbour about this, and I immediately
(21) contacted Mr. Norcross.
(22) Mr. Baron. If you will look at--do you have 334 there?
(23) Mr. Becker. Yes, 334. Mr. Richards' letter to Mr.
(24) Barbour of June 6, 1996.
(25) Mr. Baron. Right. And then would you take a look at

(1) 335, and this is a response to that from Mr. Bolton, is it
(2) not?
(3) Mr. Becker. That's correct. This is the June 10,
(4) 1996, response to Mr. Richards' letter to Mr. Barbour.
(5) Mr. Baron. Did you make any efforts thereafter in
(6) contacting Mr. Norcross to try to get some resolution?
(7) Mr. Becker. Yes. Yes, I did. I was just looking at
(8) 335. Yes, I did.
(9) Mr. Baron. And what was worked out with Mr. Norcross
(10) concerning trying to work out some resolution of the loan
(11) default?
(12) Mr. Becker. Well, ultimately, after--I don't want to
(13) give the impression Mr. Norcross was discourteous. Mr.
(14) Norcross was never discourteous. Very professional, always
(15) returned his called, very courteous. I kind of got the
(16) impression that he was frustrated and trying to be helpful
(17) in the matter. I have a high regard for Mr. Norcross.
(18) But, ultimately, Mr. Norcross and I--Mr. Norcross was
(19) authorized to open up settlement discussions with me on
(20) behalf of YBD (USA).
(21) Mr. Baron. Prior to that time, was there an effort
(22) made to put this issue on the agenda of the budget committee
(23) at the Republican National Convention in August of 1996?
(24) Mr. Becker. Yes.
(25) Mr. Baron. And you received correspondence, am I

(1) correct, that it would be--an attempt would be made to do
 (2) that?
 (3) Mr. Becker. I asked Mr. Norcross to do that in a
 (4) letter to him, and he responded back that they would.
 (5) Mr. Baron. In fact, was it put on the agenda, or was
 (6) it tabled?
 (7) Mr. Becker. It was put--the question of the RNC paying
 (8) the Signet Bank the amount of money equal to the collateral
 (9) that was at risk to YBD (USA) as a guarantor for the NPF
 (10) loan was, I was told, placed on the table at the budget
 (11) committee meeting at that convention, but that the matter
 (12) was immediately tabled until, quote, after the election,
 (13) unquote.
 (14) Mr. Baron. And, ultimately, I believe you started to
 (15) say that an accommodation or a resolution of the default was
 (16) worked out with you and Mr. Norcross?
 (17) Mr. Becker. Yes. Yes, sir.
 (18) Mr. Baron. And what was the financial loss suffered by
 (19) YBD (Hong Kong)?
 (20) Mr. Becker. Well, at the time of the default, there
 (21) was approximately \$1.5 million outstanding in debt by the
 (22) National Policy Forum to the Signet Bank and,
 (23) correspondingly, approximately \$1.5 million in certificate
 (24) of deposits of YBD (USA). And so that would have been the
 (25) gross loss.

(1) Chairman Thompson. In terms of his international
 (2) business activities, does he--I notice this article on China
 (3) and Taiwan and their relations, and I believe his thought is
 (4) one that is shared by many people, that is, that the more
 (5) business we do with China, the more democracy will expand
 (6) there. Are you aware of any special interest he has had in
 (7) that part of the world?
 (8) Mr. Becker. No, except to say that Mr. Young was born
 (9) in the People's Republic of China and immigrated to Taiwan,
 (10) and we have--I've always enjoyed over dinner talking with
 (11) him about that history and his view of that part of the
 (12) world. At this time he is very interested in it.
 (13) Chairman Thompson. Is he acquainted, if you know, with
 (14) officials in China or Taiwan and those--
 (15) Mr. Becker. I wouldn't know. I don't know, sir.
 (16) Chairman Thompson. You don't know that. All right.
 (17) Mr. Becker. I know they did--Mr. Barbour and Mr. Young
 (18) did meet a foreign minister during the trip that I
 (19) described.
 (20) Chairman Thompson. During the trip?
 (21) Mr. Becker. Yes.
 (22) Chairman Thompson. Let me ask you about that a little
 (23) more. I was looking at Mr. Young's deposition, which you
 (24) attended, I believe in London. Is that correct?
 (25) Mr. Becker. Yes, sir.

(1) The settlement with Mr. Norcross and the NPF was in the
 (2) amount of \$800,000, and thus, the total loss to YBD was
 (3) approximately \$700,000.
 (4) Mr. Baron. And the \$800,000 was reduced by the amount
 (5) of interest that had been earned on the CDs over the period
 (6) of time that they were in place?
 (7) Mr. Becker. Yes. But, still, the total loss was
 (8) approximately \$700,000.
 (9) Mr. Baron. Thank you. I have no further questions.
 (10) Chairman Thompson. Mr. Becker, how are you, sir?
 (11) Mr. Becker. How are you, sir?
 (12) Chairman Thompson. Fine.
 (13) Mr. Becker. Good to see you.
 (14) Chairman Thompson. Good to see you.
 (15) Mr. Becker, had you known Mr. Young or represented him
 (16) before 1991 when you established the domestic subsidiary?
 (17) Mr. Becker. Yes.
 (18) Chairman Thompson. How long have you known him?
 (19) Mr. Becker. Approximately 2 to 3 years.
 (20) Chairman Thompson. Two to 3 years prior to that time?
 (21) Mr. Becker. Prior to 1991, yes.
 (22) Chairman Thompson. Could you tell us a little bit more
 (23) about him? I noticed that he had written at least one
 (24) article, and perhaps more, for the NPF journal that they had
 (25) there. He had written on China and Taiwan, I believe, and

(1) Chairman Thompson. And you were his counsel at that
 (2) time?
 (3) Mr. Becker. Yes, sir.
 (4) Chairman Thompson. Looking at page 69, apparently the
 (5) trip was in November of 1995. There was a meeting in
 (6) Beijing with the foreign minister of the People's Republic.
 (7) Over on page 71, I believe you said there were 30, more
 (8) than 30 people there in the meeting. Is that correct?
 (9) Mr. Becker. Yes, line 25. Mr. Young says, "I believe
 (10) 30. More than 30, I believe."
 (11) Chairman Thompson. Is that the only meeting that you
 (12) had with the officials there with Mr. Barbour?
 (13) Mr. Becker. Mr. Chairman, I wasn't there.
 (14) Chairman Thompson. Oh, I'm sorry. That Mr. Young had,
 (15) as far as you know.
 (16) Mr. Becker. I believe that's what his testimony was.
 (17) Chairman Thompson. As far as his testimony.
 (18) Mr. Becker. Yes.
 (19) Chairman Thompson. Then over on page--he was talking
 (20) about the fact that he felt like that Mr. Barbour had gotten
 (21) kind of third-rate treatment or something over there, and I
 (22) refer you to page 84.
 (23) Mr. Becker. Yes, sir.
 (24) Chairman Thompson. Question: "Can you describe"--and,
 (25) again, this is Mr. Young's deposition, which you were

(1) he was described there as being an international investor,
 (2) advisor to international investors and so forth. Could you
 (3) tell us a little bit more about the nature of his business
 (4) activities?
 (5) Mr. Becker. Well, as much as I can, Mr. Chairman, but
 (6) I never represented YBD (Hong Kong) and am not intimate at
 (7) all with what the nature of their business is except for
 (8) very limited areas that I've been exposed to through Mr.
 (9) Young. In fact, I've never been to Hong Kong at all and
 (10) been to that business.
 (11) But my understanding is that they are--YBD (Hong Kong)
 (12) and a subsidiary YBD (Taiwan) are diverse corporations that
 (13) are engaged in a variety of different matters. I can tell
 (14) you today, as a result of this investigation, I know a
 (15) little more. For example, there is a macadamia nut farm in
 (16) Australia that they own. There are some holdings involving
 (17) hotels in the European countries.
 (18) When I knew Mr. Young, one of the things that that
 (19) company was doing was--it was a representative of some of
 (20) the U.S. and British aerospace industry people.
 (21) Chairman Thompson. All right. Do you know whether or
 (22) not he has done--since you have been representing him or
 (23) known about, has he done business with the United States
 (24) Government?
 (25) Mr. Becker. No. No, not that I know of.

(1) counsel to him on. "Can you describe the type of reception
 (2) given by the Chinese government to Haley Barbour on that
 (3) trip?"
 (4) Answer: "The reception is, I would say--I will give a
 (5) rate: I would say third class or lower."
 (6) Question: "Do you know why that type of reception was
 (7) given to Haley Barbour?"
 (8) Would you read that answer that Mr. Young gave?
 (9) Mr. Becker. Beginning on page--line 12, Mr. Young
 (10) responded by saying, "Much later I was puzzled why they do
 (11) that, because as a Party Chairman for China they always want
 (12) to win friendship from the United States, and later I raised
 (13) the question through my personal friends who did not [sic]
 (14) ask the questions and they come back to me and said that
 (15) during that particular moment the Chinese government are in
 (16) favour of the winning of President Clinton, i.e. the
 (17) Democrats, so they tried not to offend the Democrats, so
 (18) therefore they lowered down Mr Barbour. That's the answer I
 (19) got."
 (20) Do you want me to read on? Shall I read on?
 (21) Chairman Thompson. You can if you wish. Does anything
 (22) after that clarify that in any way? "Can you describe the
 (23) position held by the Foreign Minister that Mr. Barbour met
 (24) with?"
 (25) Answer: "Foreign Minister is the Foreign Minister."

(1) except he carried the VP title called Vice Premier."
(2) We all have access to it and any of us can read any
(3) portions of it if we want to do it later.
(4) But getting back to that, when he refers to his
(5) personal friends who he asks his questions of, do you have
(6) any idea from your own personal knowledge or from
(7) conversation that you had with Mr. Young who those personal
(8) friends would have been?
(9) Mr. Becker. I have no idea. When that matter was
(10) discussed during the deposition, it was the first I've ever
(11) heard Mr. Young say that, and my-I have a view on that, Mr.
(12) Chairman, and my view is that Mr. Young was giving his own
(13) impressions, his own belief. I don't know that he's quoting
(14) any government source. I don't believe so.
(15) Chairman Thompson. Well, I didn't mean to suggest
(16) that. He referred to his friends, and I just wondered if
(17) you had any information on it.
(18) Getting back to the transaction concerning the
(19) guarantee, as I understand it, you assisted Mr. Young in
(20) establishing this domestic subsidiary, and it was funded
(21) with funds from Hong Kong.
(22) Mr. Becker. Yes, sir.
(23) Chairman Thompson. You had thought that the subsidiary
(24) would engage in, I think, a 50 percent ownership with Mr.
(25) Courtelis with regard to a shopping center.

(1) Mr. Becker. Yes.
(2) Chairman Thompson. That deal fell through. I think
(3) from time to time you looked at other potential business
(4) ventures.
(5) Mr. Becker. That's correct.
(6) Chairman Thompson. Is that not right?
(7) Then this domestic subsidiary guaranteed a loan for the
(8) National Policy Forum. The funds for the CDs that were put
(9) up came from Hong Kong; is that correct?
(10) Mr. Becker. Yes, sir.
(11) Chairman Thompson. And the loan guarantee freed up
(12) some money from the National Policy Forum so that they could
(13) pay off a loan that they had to a Republican account. We
(14) will discuss the nature of that account later, but--
(15) Mr. Becker. It freed up money of the National Policy
(16) Forum so that they could pay off a debt that they had.
(17) Chairman Thompson. A debt. Did I misspeak there? All
(18) right. And you, of course--one of the questions that
(19) naturally arises is whether or not this was an on-the-level
(20) transaction or whether or not it was a sham or a put-up deal
(21) of some kind in terms of either the nature of the subsidiary
(22) and its being set up or whether or not there was any intent
(23) to pay the loan back and so forth. And from your testimony,
(24) what you are saying is back in 1991, apparently about 3
(25) years before the guarantee, the subsidiary was set up, it

(1) was legitimate, it was looking forward to doing business.
(2) Mr. Becker. It spent a good deal of money in '91
(3) through '94 exploring purchasing other businesses, sir.
(4) Chairman Thompson. And you--
(5) Mr. Becker. There was no sham. There was no sham from
(6) Mr. Young's standpoint, from our standpoint. It was a--it
(7) was--Mr. Young had every expectation of receiving all of his
(8) CD funds back plus interest. We had every expectation of
(9) the National Policy Forum making full payment on that loan.
(10) Chairman Thompson. Right. And I think the
(11) documentation bears that out, and you went to great lengths
(12) to go as far as you could to see that the National Policy
(13) Forum paid that loan back; and if they couldn't, you tried
(14) to get Mr. Barbour to assure you that he would at least make
(15) his best efforts to see the RNC took care of it.
(16) Mr. Becker. That's right. That's correct.
(17) Chairman Thompson. Is that not correct?
(18) Mr. Becker. Mr. Chairman, that is absolutely correct.
(19) Chairman Thompson. I think finally he agreed to take
(20) it to the relevant RNC committee and try to get them to take
(21) care of it. That's as far as you get, which was a little
(22) less than a guarantee, but at least you got his pledge to
(23) make best efforts to try to get the RNC to reimburse the
(24) National Policy Forum so you could be--
(25) Mr. Becker. You are indeed correct, sir, and your

(1) characterization is accurate. And I would say that beyond
(2) that, one of the reasons Mr. Young agreed to a \$800,000
(3) settlement of a \$1.5 million loss was that there was some
(4) degree of serious concern as to whether or not Mr. Barbour's
(5) commitment, Mr. Barbour's writing to me, Mr. Barbour's
(6) expression of a willingness to step in was--went beyond a
(7) moral obligation of Mr. Barbour and/or the RNC and became an
(8) enforceable legal obligation in the courts. And I think
(9) that was--my view was that that was a very serious question.
(10) Chairman Thompson. Right.
(11) Mr. Becker. And that's part of that background, sir.
(12) Chairman Thompson. And part of--while it might not
(13) have been any legal bind, I believe you also checked into
(14) the pledges or the likelihood that the National Policy Forum
(15) itself would be able to raise the money, and apparently they
(16) thought or told you they thought that they would be able to
(17) raise enough money themselves in order to take care of
(18) paying the loan off.
(19) Mr. Becker. They showed us pledges in place. They
(20) told us all prior pledges that had been made. In the
(21) history of the forum, 100 percent had been collected. They
(22) assigned pledges directly to the payment of this loan.
(23) Chairman Thompson. Did you feel, from your direct
(24) contact with representatives of the National Policy Forum or
(25) Mr. Nor--

(1) Mr. Becker. Norcross.
(2) Chairman Thompson. Norcross, or from your
(3) conversations with Mr. Young that the National Policy Forum
(4) was a legitimate entity and not just set up in order to do
(5) something that might be nefarious in some way?
(6) Mr. Becker. Not for one second did we ever consider
(7) the latter. We always believed it to be what it was
(8) represented to us to be.
(9) Chairman Thompson. Which was what?
(10) Mr. Becker. A 501(c)(3) organization, a think tank.
(11) Chairman Thompson. Well, 501(c)(4) I believe actually
(12) was what they were seeking.
(13) Mr. Becker. I was told that it was tax-exempt. I was
(14) told that it was a think tank, and the most important thing,
(15) the most important thing I was told, it had absolutely
(16) nothing to do with the election of any candidate to Federal
(17) or State office.
(18) Chairman Thompson. As far as you know, do you know
(19) whether or not they engaged in political activity in terms
(20) of supporting a candidate or contributing to a candidate or
(21) organizing a phone bank or doing anything like that as far
(22) as elections are concerned?
(23) Mr. Becker. The question of phone bank was never
(24) raised, but there was specifically--I was specifically told,
(25) and it was very clear--in fact, we saw literature to the

(1) effect that there was no association with any candidate for
(2) any office.
(3) Chairman Thompson. All right. I think the record will
(4) reveal that they sought 501(c)(4) status but that it was
(5) never granted, as a matter of fact. But that would not--
(6) that would have to do with their tax situation, which turned
(7) out not to be very relevant because they were in debt. They
(8) didn't make any money. But it would not necessarily have
(9) anything to do with their FEC status.
(10) Mr. Becker. And it had nothing to do with the
(11) transaction we were involved in because there was no
(12) contribution and, thus, no tax deduction.
(13) Chairman Thompson. Certainly.
(14) Mr. Becker. It was a pure loan guarantee.
(15) Chairman Thompson. Right. And I would refer to
(16) Exhibit 501. I don't know if that is majority, minority, or
(17) both, but this is a memorandum to your client, Mr. Young.
(18) Mr. Becker. I'm sorry, Mr. Chairman. My exhibits
(19) don't seem to go up that high.
(20) Chairman Thompson. Do we have that?
(21) While we are getting you a copy of that, I will
(22) describe it.
(23) Mr. Becker. I see it on the monitor.
(24) Chairman Thompson. Well, we will try to make do there.
(25) We need to get you a copy of that. It is a little over a

(1) two-page memorandum dated September 23, 1994, where you are
 (2) describing the situation with regard to the loan guarantee
 (3) to Mr. Young. You say, "As per our telephone conversation
 (4) this evening...I submit this memo as an outline of what I
 (5) consider to be the appropriate procedure to be employed in
 (6) the matter of YBD--Young Brothers Development--(USA)
 (7) Inc.'s possible guarantee of a \$2.1 million loan made by the
 (8) National Policy Forum...from the Signet Bank in Washington,
 (9) D.C."

(10) "These procedures outlined in this memo are calculated
 (11) to accomplish the following goals:
 (12) "1. To ensure that no arguable violation of US law
 (13) could result to YBD or its principals." In No. 2, you talk
 (14) about the risk and the collateral. Then at the bottom of
 (15) the page, skipping down, you say, "Subject to your final
 (16) approval and your receipt of a letter of acceptance from an
 (17) appropriate official, these procedures reflected below would
 (18) be implemented."

(19) "YBD (USA) Inc. would receive a letter from the
 (20) Chairman of the [National Policy Forum], Mr. Haley Barbour,
 (21) containing the following provisions:" And then you set out
 (22) what you were proposing that you would get if you did this
 (23) deal.

(24) No. 1 was that the National Policy Forum--that Mr.
 (25) Barbour's letter would contain the following: one, verify

(1) that the National Policy Forum is currently obligated to pay
 (2) back a loan in the amount of \$2.5 million to the RNC, and,
 (3) two, that the National Policy Forum's obligation to the RNC
 (4) is in arrears.

(5) So right up front, it was clear and everyone knew that
 (6) the National Policy Forum had been lent money from the RNC,
 (7) the National Policy Forum owed the RNC, and then No. 3 on
 (8) the next page, "That the [National Policy Forum] intends--I
 (9) believe "intends," I guess you mean--to borrow \$2.1 million
 (10) from a Washington...bank, Signet, and to transfer all of the
 (11) loan proceeds received to the RNC in partial satisfaction of
 (12) [the National Policy Forum's] debt to the RNC." And 4,
 (13) "That in order to secure a bank loan, it will be necessary
 (14) for the [National Policy Forum] to obtain a guarantor for
 (15) its proposed \$2.1 million loan from a D.C. bank and [Young
 (16) Brothers Development] (USA) Inc. has agreed, subject to the
 (17) terms contained herein, to so serve..."

(18) So it appears to me, my only point here is that it
 (19) appears to me up front--I suppose a few weeks, perhaps,
 (20) before the guarantee was made, the guarantee being made in
 (21) October, this letter being dated September 23rd, that it was
 (22) known and understood that there was this indebtedness from
 (23) the National Policy Forum to you say the RNC. There is a
 (24) particular account. We can discuss that later. And that
 (25) the intent of this guarantee was to allow the NPF to borrow

(1) this money to partially pay off this debt. Is that not
 (2) correct?

(3) Mr. Becker. Indeed.
 (4) Chairman Thompson. I mean, that was known and
 (5) understood and those facts were laid on the table.

(6) Mr. Becker. Yes, I believe they were not only spoken
 (7) and discussed, but I think they were submitted in some of
 (8) the writings that were submitted to Mr. Young.

(9) Chairman Thompson. All right. And I believe, skipping
 (10) down--I won't read all of this. Anyone else, of course, can
 (11) read any portions that they want, but in the last paragraph,
 (12) you say, "For your review, I have enclosed a two page
 (13) announcement published by the Federal Election
 (14) Commission...on August 3, 1994. The FEC is the federal
 (15) agency charged with the responsibility of monitoring and
 (16) regulating the federal election laws. This publication
 (17) deals directly with the law's prohibition against foreign
 (18) nationals being involved in federal elections." So you were
 (19) mindful of that, too. You wanted to make sure you did not
 (20) run afoul of federal election laws with regard to this
 (21) transaction. Is that correct?

(22) Mr. Becker. We were indeed, sir, yes.
 (23) Chairman Thompson. And is it fair to assume that you
 (24) felt that this transaction did not run afoul of those laws?

(25) Mr. Becker. Well, I was of that opinion, and

(1) independent counsel that was engaged also was of that
 (2) opinion.

(3) Chairman Thompson. Well, I was going to ask you about
 (4) that. I am referring now to Exhibit No. 292, which is a
 (5) letter from the law firm of Baker & Hostetler to you. Do
 (6) you have that before you?

(7) Mr. Becker. Yes, I do, sir.

(8) Chairman Thompson. And what was your relationship with
 (9) Baker & Hostetler with regard to this transaction? Did you
 (10) ask them for an opinion?

(11) Mr. Becker. Yes. They were asked for an opinion.

(12) Chairman Thompson. This looks like an opinion letter;
 (13) is that correct? Is that what that is?

(14) Mr. Becker. Yes, it is.

(15) Chairman Thompson. And it says, "The National Policy"
 (16) --their letter to you, "The National Policy Forum...is
 (17) seeking a loan of \$2.1 million from the Signet Bank of
 (18) Washington, D.C. [The National Policy Forum] is seeking the
 (19) loan to partially repay certain outstanding loan
 (20) obligations..." Right?

(21) Mr. Becker. That's what it says, yes, sir.

(22) Chairman Thompson. "You have requested"--reading in
 (23) the second paragraph, "You have requested our review of
 (24) whether this transaction conflicts with certain United
 (25) States laws. Your concern arises out of the fact that the

(1) existing and currently due loan obligations of [National
 (2) Policy Forum] are to an organization which has an affiliated
 (3) political committee as defined by the Federal Election
 (4) Campaign Act of 1971..."

(5) Then the next to the last paragraph, they say to you,
 (6) in giving their opinion, "The [National Policy Forum] will
 (7) use a portion of the Bank's loan proceeds to repay its
 (8) presently outstanding loan obligations. We have been
 (9) assured (and assume it to be true) that the partial
 (10) repayment by NPF of such outstanding loan obligations will
 (11) not be made to a political committee as defined by the Act."
 (12) And then there is a reference here to the Code of Federal
 (13) Regulations.

(14) I take it that Baker & Hostetler were given all of the
 (15) relevant facts that you knew.

(16) Mr. Becker. Well, Baker & Hostetler were given the
 (17) relevant facts that formed the basis for this opinion letter
 (18) by the counsel for the RNC.

(19) Chairman Thompson. All right. And as far as you knew,
 (20) were they--did they have at least as much information as you
 (21) had concerning the nature of this transaction?

(22) Mr. Becker. Yes, sir. Yes, sir.

(23) Chairman Thompson. All right. We will have--what was
 (24) done with these proceeds, the committee it went to and what
 (25) was done with it, as I think it is important to this

(1) Committee, I assume you do not have any knowledge of that
 (2) yourself. The proceeds, as I understand it, were lent from
 (3) an account, the RNSEC non-Federal account, and paid back
 (4) into that same account. We will have, I presume, other
 (5) witnesses on that.

(6) But it does appear that that you knew and Baker &
 (7) Hostetler knew basically what the underlying facts were, and
 (8) this was that this whole transaction was designed to be able
 (9) to pay back the RNC, as it is referred to, or an RNC-related
 (10) entity.

(11) Mr. Becker. I would concur with that, yes.

(12) Chairman Thompson. All right, sir.

(13) I think with that I will call on Mr. Madigan with our
 (14) remaining 30 minutes.

(15) Mr. Madigan. Good morning, Mr. Becker.

(16) Mr. Becker. Good morning, Mr. Madigan.

(17) Mr. Madigan. Let me just follow up with that, if I
 (18) might. The document that we were looking at, Exhibit No.
 (19) 501, that in our business is an opinion letter, right, more
 (20) or less?

(21) Mr. Becker. The Baker & Hostetler--

(22) Mr. Madigan. No, this is your letter. You were giving
 (23) an opinion to your client that the transaction, as you
 (24) understood it at the time, the loan guarantee transaction,
 (25) was legal. Am I right?

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(1) Mr. Becker. You're referring to Exhibit No. 501?
(2) Mr. Madigan. Yes.
(3) Mr. Becker. I write Mr. Young that I believe this is
(4) the appropriate procedure to be employed, that among those-
(5) that procedure was securing an independent-Item 9, "That
(6) prior to the loan transaction, the General Counsel for the
(7) NPF will provide a written opinion letter to the General
(8) Counsel of YBD (USA)"-
(9) Mr. Madigan. Are you looking at the right-your
(10) September 23rd memo?
(11) Mr. Becker. I'm looking at Exhibit 501 that someone
(12) handed to me. No, sir-September 23, 1994.
(13) Mr. Madigan. Yes. Your memorandum to Mr. Young.
(14) Mr. Becker. Yes, sir.
(15) Mr. Madigan. Okay.
(16) Mr. Becker. And I was just reading you from paragraph
(17) 9 on page 2 of that memorandum, which is an outline of the
(18) procedure, the appropriate procedure to be employed.
(19) Mr. Madigan. Right. But what I'm asking you is: Do I
(20) interpret this document correctly to be your opinion letter
(21) to your client that, as far as you are concerned, that
(22) transaction is legal?
(23) Mr. Becker. No, no.
(24) Mr. Madigan. All right.
(25) Mr. Becker. I'm saying to my client this is what I

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(1) think we should do and then make that determination,
(2) including obtain an opinion letter from independent counsel.
(3) Mr. Madigan. Which you did and which you just went
(4) over with Senator Thompson.
(5) Mr. Becker. Yes.
(6) Mr. Madigan. And on the third page of the document, of
(7) your letter of September 23rd, you say, "With this in mind,
(8) as you have instructed, all considerations have been made to
(9) assure that no claim and no violation of law could result
(10) from YBD (USA) serving as a loan guarantor. Accordingly,
(11) the procedure which should be undertaken between YBD (HK)
(12) and YBD (USA) should not be an assignment of an asset, but
(13) rather should be a pure loan of \$2.1 million cash to YBD
(14) (USA) from YBD (HK), very similar to past loans and loan
(15) repayments between the two companies."
(16) Did I read that right?
(17) Mr. Becker. Yes, sir.
(18) Mr. Madigan. And you were advising your client that
(19) you thought this is how the transaction should be
(20) constructed; am I right?
(21) Mr. Becker. That it should be a loan from the Hong
(22) Kong corporation to the U.S. corporation rather than an
(23) assignment of assets.
(24) Mr. Madigan. Right.
(25) Mr. Becker. Yes, I was advising that.

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(1) Mr. Madigan. And your purpose in doing that was to
(2) make sure that there would be no claim and no violation of
(3) the law from this transaction; right?
(4) Mr. Becker. Sure. Indeed.
(5) Mr. Madigan. And then to be doubly sure, you had this
(6) opinion letter that you requested?
(7) Mr. Becker. That's correct.
(8) Mr. Madigan. All right. Let me talk for a minute
(9) about the money coming from Hong Kong. You, of course, knew
(10) that the money had been transferred from the Hong Kong
(11) company to the American subsidiary; right?
(12) Mr. Becker. Sure. Yes, I did.
(13) Mr. Madigan. Now-
(14) Mr. Becker. You're talking about the \$2.1 million?
(15) Mr. Madigan. Yes, that's right.
(16) Mr. Becker. Yes.
(17) Mr. Madigan. And am I correct, from looking at the
(18) depositions, that you did not tell that to Mr. Norcross of
(19) the RNC; is that right?
(20) Mr. Becker. Well, I don't think that's correct. I
(21) think I said in my deposition that I have a memory of
(22) discussing Mr. Young and Mr. Young's work in Hong Kong
(23) similar to the conversation I just had with the Chairman on
(24) this subject with Mr. Norcross and the-a relationship of
(25) the two corporations. I could not and will not specifically

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(1) state categorically that I told Mr. Norcross that the money-
(2) -the \$2.1 million came from the Hong Kong corporation to the
(3) U.S. corporation. The reason I can't and won't do that is
(4) because I have no specific direct recall of that.
(5) My impression is that I probably did have such a
(6) conversation, but I don't-I can't pinpoint it.
(7) Mr. Madigan. Well, let me ask you to look at the
(8) deposition of Mr. Richards. You made a statement as counsel
(9) in that deposition.
(10) Mr. Becker. I don't have Mr. Richards'-
(11) Mr. Madigan. I think there is a book that has all the
(12) depositions, if somebody could show him where it is. Page
(13) 107 of the Richards deposition.
(14) Mr. Becker. Wait, I may have-yes, I have it.
(15) Mr. Madigan. Now, you appeared-before we look at
(16) that, you appeared at that deposition as Mr. Richards'
(17) attorney; is that right?
(18) Mr. Becker. He asked me to do that, yes, and I did.
(19) Mr. Madigan. And you're also Mr. Young's attorney.
(20) Mr. Becker. Yes, for the YBD (USA) principals.
(21) Mr. Madigan. Right, but you appeared with Mr. Young as
(22) his attorney in the London deposition.
(23) Mr. Becker. Yes, sir.
(24) Mr. Madigan. In fact, you arranged the London
(25) deposition; right?

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(1) Mr. Becker. Mr. Young arranged it, yes.
(2) Mr. Madigan. Mr. Young agreed to come to London?
(3) Mr. Becker. Yes.
(4) Mr. Madigan. Did you ask Mr. Young to come here before
(5) the Committee?
(6) Mr. Becker. I don't recall. I don't think there was a
(7) request at that time to go before the Committee. There was
(8) the request to have him deposed, and we were trying to find
(9) a place somewhere that wasn't too long a ride-
(10) Mr. Madigan. I notice-
(11) Mr. Becker. -for all parties.
(12) Mr. Madigan. I'm sorry. I notice that he is not on
(13) the witness list for these hearings. Is that right?
(14) Mr. Becker. I think that's right.
(15) Mr. Madigan. And he's a man of some means, I take it,
(16) isn't he?
(17) Mr. Becker. Yes.
(18) Mr. Madigan. And I guess he could come the extra 3
(19) hours or so from London to Washington, D.C. to appear here?
(20) Mr. Becker. Mr. Young has gone the extra 14 hours from
(21) Hong Kong to London at his own expense, without a subpoena,
(22) to voluntarily appear at a deposition and then return. Mr.
(23) Young is not a young man. Mr. Young feels-
(24) Mr. Madigan. I understand.
(25) Mr. Becker. Mr. Young feels that he has given his

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(1) statements under oath voluntarily in this matter, and he
(2) doesn't-he doesn't-I don't believe he intended to repeat
(3) that again and again and again.
(4) Mr. Madigan. Can I just ask the one question about
(5) this transcript page?
(6) Chairman Thompson. Go ahead.
(7) Mr. Madigan. It will only take a second.
(8) On page 107 of the Richards deposition, did you make
(9) this statement to the-
(10) Mr. Becker. Let me get it.
(11) Mr. Madigan. I am sorry.
(12) Mr. Becker. I'm sorry, counsel. I have-it must be
(13) two sections of Richard's deposition. Is there a Volume II?
(14) I have volume-
(15) Mr. Madigan. Yes, there are two different volumes. It
(16) is at page 107-
(17) Mr. Becker. I have only Volume I before me that goes
(18) up to page 99. If someone will give it to me, I'll follow
(19) you.
(20) Mr. Madigan. Let me read it to you while he's doing
(21) that and see if you can check it out when it gets there.
(22) You said, "To the question of whether... I ever said to
(23) David Norcross that the funds used by YBD (USA) to purchase
(24) collateral to serve as a loan guarantee for the National
(25) Policy Forum were funds that were loaned to YBD (USA) from

(1) YBD (Hong Kong), my answer is that I have no recollection of
 (2) ever having said that to David Norcross or David Norcross
 (3) ever raising that particular issue with me."
 (4) "David and I spoke of YBD (Hong Kong) and YBD (Hong
 (5) Kong)'s relationship...but specifically with respect to the
 (6) questions you are asking Dick in terms of money, their
 (7) disclosing the fact that this particular fund was derived
 (8) from YBD (Hong Kong), I do not remember any such statement
 (9) being discussed specifically."
 (10) Did I read that right?
 (11) Mr. Becker. I don't think you did. I think you left
 (12) out two words.
 (13) Mr. Madigan. All right. I am sorry. What words did I
 (14) leave out.
 (15) Mr. Becker. At the beginning of the second paragraph,
 (16) I think you left out the last two words at the end of the
 (17) sentence.
 (18) Mr. Madigan. Well, go ahead.
 (19) Mr. Becker. The way it reads, it says, "David and I
 (20) spoke of YBD (Hong Kong) and YBD (Hong Kong)'s relationship
 (21) to YBD (USA)." I think when you read it you put a period
 (22) after the word "relationship." Other than that, I think you
 (23) read it accurately.
 (24) Mr. Madigan. Okay. My time is up, but I have read it
 (25) to you. Does that refresh your recollection that you didn't

(1) have any such discussion with-
 (2) Mr. Becker. I think that-
 (3) Mr. Madigan. As you sit here.
 (4) Mr. Becker. I think that's entirely consistent with
 (5) what I said to you-
 (6) Mr. Madigan. No, I'm not suggesting-
 (7) Mr. Becker. -3 minutes ago. Yeah, and it doesn't
 (8) refresh my recollection at all, but it is consistent with
 (9) what I have always maintained in terms of my generalized
 (10) conversations with David Norcross.
 (11) Mr. Madigan. I see.
 (12) Chairman Thompson. Thank you, Mr. Beck.
 (13) We will recess for lunch and reconvene at 2 o'clock.
 (14) [Whereupon, at 12:33 p.m., the Committee recessed, to
 (15) reconvene at 2:00 p.m., this same day.]

AFTERNOON SESSION

(1) [2:14 p.m.]
 (2) Chairman Thompson. We will come to order, please.
 (3) Mr. Becker, thank you. I think I have a few minutes on
 (4) my 10 minutes. Just a couple of comments, and then I am
 (5) going to reserve the balance of my 10 minutes.
 (6) For my part, that is all the questions I have with
 (7) regard to the matters we have discussed. I think that you
 (8) have been very helpful in setting out the nature of the
 (9) transaction that resulted in the guarantee and the loan and
 (10) the repayment. I think that I understand that a lot better
 (11) now.
 (12) I think the questions, two of the questions that we
 (13) have, the Committee has that you do not have personal
 (14) knowledge of but we will have another witness on has to do
 (15) with the relationship between the National Policy Forum and
 (16) the Republican National Committee. As you may know, a
 (17) 501(c)(4) or a like organization cannot be a subsidiary of
 (18) or cannot be too closely connected with a political
 (19) organization. It has FEC consequences. They are allowed to
 (20) have some affiliation back and forth. In fact, it is not
 (21) illegal for a Republican organization to start them up, as
 (22) this one was done, apparently. But there are vague lines
 (23) that have to be observed, and the question of whether or not
 (24) this was just an arm of the RNC or whether or not it was

(1) independent of whether or not it was somewhere in between
 (2) has legal consequences. And we are going to need to get
 (3) into that question.
 (4) That is kind of at the front end. And at the back end
 (5) is the question having to do with what was done with the
 (6) proceeds once the money went back to the RNC Committee.
 (7) So I want to thank you for my part for right now on
 (8) what you have addressed, and we will look forward to other
 (9) witnesses, I am sure, on those other questions. So I will
 (10) reserve the balance of the portion of the 10 minutes I had,
 (11) and call on Senator Levin.
 (12) Senator Levin. Thank you, Mr. Chairman, and welcome,
 (13) Mr. Becker, and thank you for voluntarily coming here and
 (14) helping the Committee out with your testimony.
 (15) First, I would like to refer to a letter that you have
 (16) already referred to. I think it is Exhibit 289, which was a
 (17) letter to Mr. Barbour from your client, Mr. Young. That is
 (18) the one where paragraph 3 was read before, where it says,
 (19) "If not possible, we are willing to consider the support of
 (20) \$2.1 million which is the amount you have expressed to me
 (21) that is urgently needed and directly related to the November
 (22) Election."
 (23) You have read that document before?
 (24) Mr. Becker. Yes, sir.
 (25) Senator Levin. Okay. Now, up above there, it says

(1) that-you make reference-or your client makes reference to
 (2) a White Paper of the National Policy Forum which was sent to
 (3) him with an August 30, 1994, letter, and I would refer you-
 (4) I believe it is Exhibit 286-to that National Policy Forum
 (5) White Paper. Are you able to put your hands on that one
 (6) fairly quickly or is that something which we could get on
 (7) the screen? I think it is-
 (8) Mr. Becker. I have it, Senator.
 (9) Senator Levin. All right. At the bottom of that White
 (10) Paper, page 1, it says that, "NPF would like to refinance
 (11) its debt to the RNC via a \$3.5 million bank loan. The
 (12) proceeds would be used to pay the existing debt to the RNC
 (13) and to provide cash flow to the NPF beyond the beginning of
 (14) 1995."
 (15) Was that something you were familiar with at the time?
 (16) Mr. Becker. I was familiar with this document.
 (17) Senator Levin. So that everyone was aware that the
 (18) funds were going to be used for the most part to repay a
 (19) loan from the RNC to the NPF, is that correct? I mean, that
 (20) was-that was the stated purpose, basically, of the loan?
 (21) Mr. Becker. My understanding, Senator, is that that
 (22) was freely discussed at the dinner of August 1994 with the
 (23) parties present and possibly Mr. Young was even informed of
 (24) that prior to that dinner.
 (25) Senator Levin. And in giving advice to your client on

(1) the legal aspects of structuring this loan, was it important
 (2) to you that NPF be organized properly as a 501(c)
 (3) organization and that, in fact, it not be too closely
 (4) connected, as the Chairman said, to RNC? Were those
 (5) assurances to you important in the independent opinion
 (6) letter?
 (7) Mr. Becker. Well, Senator, it was important to me that
 (8) the National Policy Forum was what the people represented it
 (9) to be; that is to say-and the most significant thing I
 (10) thought from our standpoint-was that it was not in any way
 (11) engaged in political activities and that it was not
 (12) controlled by the Republican National Committee and that it
 (13) was an independent.
 (14) Now, the Chairman speaks of the lines of demarcation in
 (15) terms of involvement and control, and I am not prepared to
 (16) tell you what I think those lines can or should be. But I
 (17) would say this, sir, that I focused on the fact that the
 (18) borrower we were being asked to guarantee the loan for was
 (19) an entity that was not involved with Federal elections and
 (20) not covered under the Federal election law or under the
 (21) jurisdiction of the Federal Election Commission. That was
 (22) what motivated me, sir.
 (23) Senator Levin. Then to use your standard as you just
 (24) stated it, that it was not controlled by the RNC and that it
 (25) was independent.

(1) Mr. Becker. Yes, I'd associate with that word.
(2) Senator Levin. All right. And you relied on that
(3) assurance?
(4) Mr. Becker. Mr. Young did, as did I.
(5) Senator Levin. Now, a couple months before you gave
(6) your advice to your client, which I believe was either
(7) September or October of 1994, the President of the National
(8) Policy Forum resigned. His name is Michael Baroody, and in
(9) that letter of resignation dated June 28, 1994, which is
(10) Exhibit 273, if you could look there on page 2, the third
(11) paragraph, where it says, "I believe that what has
(12) happened..." Do you see that?
(13) Mr. Becker. Yes, sir.
(14) Senator Levin. I don't believe you had a copy of this
(15) at the time. In fact, that is going to be my question to
(16) you. If you had a copy of this at the time or if you had
(17) known about the resignation of the chairman--excuse me, the
(18) president of the NPF, Mr. Baroody, on June 28, 1994, which
(19) was months before your advice to your client. If you had
(20) seen this paragraph--and I am going to read it to you, and
(21) then I am going to read you one other paragraph. I am going
(22) to ask you whether or not your advice would have been
(23) different.
(24) "I believe that what has happened over many months has
(25) undermined my efforts, distorted our purposed, blurred the

(1) separation of RNC and NPF in such a way as conceivably to
(2) jeopardize our 501(c)(4) application, and has occasioned the
(3) inexcusable, heavy-handed treatment of volunteers with the
(4) NPF."
(5) "I had understood"--and now I am going down two
(6) paragraphs--at the outset that this would be an
(7) organization separate from the RNC. Though both would be
(8) chaired by you, they would operate distinctly. I had this
(9) understanding not only because you and others told me so,
(10) but because the deliberate decision had been made to
(11) organize the NPF under 501(c)(4) of the Federal Tax Code.
(12) That provision requires separate operation. Especially in
(13) recent months, it has become increasingly difficult to
(14) maintain the fiction of separation."
(15) Now, if you had seen that letter of resignation or
(16) otherwise had been informed of it and the reasons for it,
(17) would that have given you pause in terms of advising
(18) continuation with the loan guarantee?
(19) Mr. Becker. Well, I would say it certainly would have
(20) given me pause. This, I believe, is the letter that I read
(21) about in Time magazine, and--
(22) Senator Levin. But were you aware of this?
(23) Mr. Becker. No, of course not. I was not aware of--
(24) was not aware that Mr. Baroody had been the prior president
(25) at any time, or of the resignation. And I suppose, Senator,

(1) that--if you are asking me what I would have done if I had
(2) seen this at the time, I suppose I would have tried to have
(3) been prudent and seek out Mr. Baroody and talk with him
(4) about what it is and what is the evidence that he has and
(5) what are the facts and to see if I were--was able to agree
(6) with his assessment or not agree or--I don't know if what he
(7) recites in here is factually accurate or if it's the words
(8) of a disgruntled former officer of an organization.
(9) Mr. Baroody is an individual that I have a vague memory
(10) of knowing from the late seventies, and if it's the same
(11) gentleman, this is a man of very high integrity.
(12) I don't know if that's an answer to you, sir, but--
(13) Senator Levin. Well, no, that's fine. But if you had
(14) reached the same conclusion he had, would that have changed
(15) your opinion to your client?
(16) Mr. Becker. Oh, yes. Yes, I could say that.
(17) Senator Levin. Now, we have received a copy of an IRS
(18) decision letter of 2/21/97, and that is Exhibit 353. I will
(19) read from page 10 of that letter. The letter recites a
(20) number of facts which it says demonstrates that the NPF was
(21) a partisan organization.
(22) It says, "This partisanship is exhibited in the key
(23) officers and personnel that founded and operate [the]
(24) organization." It says that the speakers or participants
(25) invited were identified or affiliated with the Republican

(1) Party. It says the publications reflect political
(2) partisanship towards the Republican Party. It says on page
(3) 11 that it was created--and here I am quoting again--
(4) "created for the partisan objective of promoting a
(5) particular political party" and that "it's operated
(6) primarily for the benefit of the Republican Party and
(7) politicians affiliated with the Republican Party."
(8) My question to you is: If you had known that the IRS
(9) was going to deny NPF's tax-exempt status because of the
(10) close relationship it found to the RNC, would that have
(11) affected how you viewed the loan transaction?
(12) Mr. Becker. This Exhibit No. 553 is an exhibit I have
(13) never seen before, Senator. This is a denial by IRS--
(14) Senator Levin. Of the 501(c)(4).
(15) Mr. Becker. And I see it's dated in February of '97.
(16) Senator Levin. Yes. So if you had known that at the
(17) time, would that have affected your decision?
(18) Mr. Becker. If I had known in October of '94 that in
(19) February '97 this was going to--
(20) Senator Levin. No. If you had known that these things
(21) were true at that time, if they are true.
(22) Mr. Becker. Oh. If the--without having studied the
(23) letter in detail, just focusing on the things that you've
(24) mentioned, if they were true and would have affected the
(25) independence--and I go back again to the Chairman's comments

(1) on vague lines--yes, it would have certainly caused me
(2) concern and pause.
(3) Senator Levin. Senator Glenn, if you could yield just
(4) 2 more minutes, then I would be--great.
(5) Has the RNC repaid the \$800,000 to Young Brothers (Hong
(6) Kong)?
(7) Mr. Becker. Actually, the check that we received in
(8) settlement was from the National Policy Forum.
(9) Senator Levin. All right.
(10) Mr. Becker. When I say--the check that was received by
(11) YBD (USA) was drawn on an account of the National Policy
(12) Forum.
(13) Senator Levin. I see. Okay. Then the bottom line of
(14) Hong Kong's books, is there then a bad debt, or how is it
(15) shown?
(16) Mr. Becker. I don't know. I assume it's shown as an
(17) account receivable from YBD (USA).
(18) Senator Levin. All right. And as of now, and as far
(19) as you can permanently, then, is YBD (Hong Kong) out some
(20) \$800,000?
(21) Mr. Becker. Well, you know, I hope not. I hope not.
(22) Senator Levin. You hope that it will be repaid
(23) someday?
(24) Mr. Becker. I hope that maybe as a result of these
(25) hearings and all of the facts come forth and are clear and

(1) understood that the Republican National Committee will
(2) discern those facts and give favorable consideration toward
(3) satisfying YBD for the loss that they sustained. I think
(4) that would be appropriate. I have not made any demand. We
(5) have signed releases we have no legal claim to that money,
(6) but it would be my hope that sometime in the future that the
(7) RNC would give consideration toward that.
(8) Senator Levin. Well, it is my hope, too, because it is
(9) so very clear, that the origin of the money which went to
(10) the RNC was the YBD (Hong Kong) funds that went through its
(11) U.S. affiliate and then into the loan guarantees to the
(12) bank, which lent the money then to the forum, which then in
(13) turn gave it--it may take four or five steps, but it is
(14) obvious that the money which your client in Hong Kong shows
(15) as still owing on the books \$800,000 went and was known that
(16) it was going to go to the Republican Party at the time for
(17) those purposes of elections. It was facing an election in a
(18) couple of months, and it said it needed that money, and it
(19) got that money, and it originated in Hong Kong.
(20) So I would hope also that the RNC returns the money.
(21) This isn't a question. It is a statement. But I would hope
(22) they would do it because it is so obvious that the money
(23) which it got originated in Hong Kong, and under the law,
(24) that kind of source is not permitted. So I join in your
(25) conclusion. I am not putting that in the form of a

(1) question, but I think it is very clear that the foreign
(2) source money ended up in the RNC that year for election
(3) purposes immediately before the election and has not been
(4) repaid, as has some of the other money which you testified
(5) to that was used in 1991.

(6) Thank you, Mr. Becker.

(7) Mr. Becker. Thank you, Senator.

(8) Chairman Thompson. Senator Collins?

(9) Senator Collins. Thank you, Mr. Chairman.

(10) Good afternoon, Mr. Becker. I was hoping I was going
(11) to be able to say "good morning" to you, but here we are
(12) mid-afternoon.

(13) I want to go back to some testimony that you gave about
(14) the Team 100 donations in 1991. During that period, 1991,
(15) was Mr. Ambrous Young a citizen of the United States?

(16) Mr. Becker. Yes, ma'am.

(17) Senator Collins. And was his wife an American citizen
(18) at that time?

(19) Mr. Becker. I believe so, yes, ma'am.

(20) Senator Collins. And it is my understanding that the

(21) Youngs have four sons; is that correct?

(22) Mr. Becker. I think there is a daughter as well.

(23) Senator Collins. There is a daughter as well. To your
(24) knowledge, are each of the children American citizens?

(25) Mr. Becker. They are, ma'am.

(1) Senator Collins. So each of the sons in particular who
(2) were involved somewhat with the business and the Team 100
(3) events are American citizens; that is correct?

(4) Mr. Becker. Yes, ma'am.

(5) Senator Collins. And, indeed, Mr. Ambrous Young and
(6) all the members of his immediate family were United States
(7) citizens at the time that the Team 100 donations were made?

(8) Mr. Becker. And all continue to be, with the exception
(9) of Mr. Young.

(10) Senator Collins. Thank you.

(11) Now, is it your understanding that the reason that Mr.

(12) Young--Mr. Ambrous Young I am talking about--wanted Young
(13) Brothers (USA) to be the Team 100 member was the reason that
(14) he wanted his sons to be able to participate in the various
(15) Team 100 events?

(16) Mr. Becker. I wouldn't say it that way, Senator. The
(17) way it is said to me by Mr. Young is that that was Mr.
(18) Courtelis' suggestion to Mr. Young, and he adopted that
(19) suggestion.

(20) Senator Collins. But wasn't it the case--and, indeed,
(21) I think this is in your deposition--that Mr. Ambrous Young
(22) was very open to the suggestion and, indeed, wanted his sons
(23) to be able to come because he traveled a lot and there might
(24) be Team 100 events at which his sons could participate if
(25) the membership were in the corporate name rather than in his

(1) individual name?

(2) Mr. Becker. Senator, you are correct. And I would add
(3) to that perhaps equally in the mind of Mr. Young, because he
(4) and I have spoken of this, the participation of the sons as
(5) well as the participation of Dick Richards, whom he
(6) designated to be the president of YBD (USA), who, of course,
(7) as you know, is a former chairman of the National Committee.

(8) Senator Collins. Turning to another issue, have Mr.

(9) Young, Mr. Ambrous Young, or UBD[sic] (USA) or UBD[sic]
(10) (Hong Kong) to your knowledge ever asked Haley Barbour for
(11) assistance in obtaining contracts or business or assistance
(12) of some sort from the United States Government?

(13) Mr. Becker. I have asked that question several times
(14) several ways of my clients, and they have answered those
(15) question--that question under oath, and I'll repeat their
(16) answer. The answer is unequivocally no.

(17) Senator Collins. Has Mr. Young or YBD (USA) or YBD
(18) (Hong Kong) ever asked anyone at the National Policy Forum
(19) for assistance in obtaining contracts or business or some
(20) other form of assistance from the United States Government?

(21) Mr. Becker. The answer is no.

(22) Senator Collins. Has Mr. Young or YBD (USA) or YBD
(23) (Hong Kong) ever asked anyone at the RNC for assistance or
(24) special treatment or help in obtaining contracts or business
(25) with the United States Government?

(1) Mr. Becker. No, ma'am.

(2) Senator Collins. Mr. Chairman, I would like to reserve
(3) the balance of my time.

(4) Chairman Thompson. Senator Lieberman?

(5) Senator Lieberman. Thank you, Mr. Chairman.

(6) Mr. Becker, thanks for your testimony. Just as a
(7) matter of record, I didn't get how and when you met Ambrous
(8) Young. I note that earlier I think you said you met him a
(9) few years before these early--the creation of YBD (USA).
(10) But do you remember how you met him?

(11) Mr. Becker. I believe I was introduced to him by Mr.
(12) Richards.

(13) Senator Lieberman. By Mr. Richards, who knew him
(14) through some of the Republican Party activities.

(15) Mr. Becker. No. Mr. Richards introduced him to me in
(16) connection with his then ongoing practice of law in
(17) Washington, D.C.

(18) Senator Lieberman. Okay. And would you say that in
(19) the ensuing years you have come to know Mr. Ambrous Young
(20) personally? I know earlier you talked about several dinners
(21) you had had in which he talked about China and Taiwan.

(22) Mr. Becker. I have. I have gotten to know him and his
(23) family, and he has gotten to know me and my family.

(24) Senator Lieberman. Okay. Let me just clarify first
(25) something that I believe Senator Levin asked you about, but

(1) it was--and this comes through so many of the documents we
(2) have had here. It was clear--it was made clear to Mr. Young
(3) and to as his attorney from Mr. Barbour and others that the
(4) intention of the requested loan in 1994, or the collateral
(5) placed up for the loan in 1994, was to enable to National
(6) Policy Forum to transfer money to the Republican National
(7) Committee to be used in the election that year. Am I
(8) correct that that was clear?

(9) Mr. Becker. It was clear that the National Policy
(10) Forum had a debt to the RNC.

(11) Senator Lieberman. Right.

(12) Mr. Becker. And that the funds that the National
(13) Policy Forum was going to receive from the Signet Bank would
(14) be used in whole or in part to pay off its debt to the RNC.

(15) Senator Lieberman. Okay. We have here a family--Mr.
(16) Young by my calculation gave about \$150,000--well, not him,
(17) but through the YBD (USA) in the 1991-92 cycle and then put
(18) up the \$2.1 million in collateral, ended up, I suppose,
(19) involuntarily giving approximately \$800,000 in 1996.

(20) Some of the questions that have been asked of you
(21) earlier I think go to the general question that must be on
(22) all of our--it is certainly on my mind, similar to a
(23) question that I asked Mr. Arthur of the Lippo company last
(24) week, which is why--what is the--and that is why I asked you
(25) whether you feel you know Ambrous Young. You have got

(1) somebody here, no longer an American citizen, willing to
(2) give an enormous amount of money. Why? What is the
(3) motivation, to the best of your knowledge, of Mr. Young?

(4) Mr. Becker. I can try to answer that question by
(5) telling you how Mr. Young responded to that question, when I
(6) believe Mr. Baron asked him that in London during his
(7) deposition. I think there are several why's instead of a
(8) single why, and I think what you do when you respond to that
(9) question, you discard the negative why. There was no
(10) special favor, no quid pro quo, no under-the-table
(11) understanding or deal.

(12) The answer in the positive sense is, I think, as
(13) follows, and this is what Mr. Young has said to me and on
(14) the record. He said, one, he felt it was secure. He felt
(15) there was very little risk to this venture based upon the
(16) representations that the RNC would always be there to
(17) protect in the event of a default.

(18) Senator Lieberman. Excuse me. Let me make it clear.
(19) I understand. I am asking a different kind of question.
(20) Why does some--which goes more to the systemic inquiry we
(21) are making. Why does somebody who lives in Hong Kong, who
(22) is not an American citizen, who at this point has a
(23) corporation which is not really doing much business, why
(24) does this person choose to give--to put over \$2 million on
(25) the line for an American political campaign?

(1) Mr. Becker. I'm trying to answer it.
(2) Senator Lieberman. Okay.
(3) Mr. Becker. I guess I would go to the second why,
(4) which may be more to that point. Mr. Young had spent many
(5) years in Republican functions and activities, was very
(6) active in Republicans Abroad and then was active, I believe,
(7) in the Reagan years and still had an affection for the
(8) Republican Party.
(9) Senator Lieberman. Right.
(10) Mr. Becker. I think Mr. Young also saw that some
(11) possibility that at some point in time his sons, who were
(12) American citizens, would come into and control and run his
(13) business and that kind of involvement with high Government
(14) officials in Washington.
(15) Senator Lieberman. Right.
(16) Mr. Becker. --at least the ability to sit and have
(17) dinner with them, or lunch, would not be harmful.
(18) He uses an expression, Senator, that I had never heard
(19) before, and his expression is, "It put powder on my face."
(20) It is an expression that he tells me is of Oriental
(21) extraction, and what he meant by that is that it made him
(22) feel better and perhaps allowed him to walk among people
(23) that he would not normally be able to.
(24) And I think that is the answer. That is the truthful
(25) answer to your question, sir.

(1) Senator Lieberman. Put powder on his face.
(2) Mr. Becker. That's the answer.
(3) Senator Lieberman. That is an expression that, though
(4) perhaps Asian in origin, could well be applied to a lot of
(5) other American donors of soft money and contributors of big
(6) money to political campaigns. Okay. I thank you for that
(7) answer.
(8) In Minority Exhibit No. 297, we have described a
(9) Commercial Credit memorandum that was done for the Signet
(10) Bank as part of the collateral, as part of the loan
(11) guarantee. And there are some interesting references in
(12) there. It says that this is partially a due diligence
(13) report. "While NPF is a new customer to the bank, Signet
(14) has a long-standing relationship with the RNC with whom NPF
(15) shares a top-level management." Later on, in the final
(16) recommendation about what to do about--in Section 5,
(17) "recommend approval of credit facility as outlined above."
(18) This rating recommendation is based on the excellent
(19) collateral quality, the proven ability of Haley Barbour to
(20) generate political contributions, and the close relationship
(21) between the borrower and the Republican National Committee,
(22) all of which for the Committee's purposes show the
(23) intertwining of these two entities.
(24) But what I wanted to ask you is why the \$2.1 million in
(25) collateral. In other words, isn't this an unusual form of

(1) guarantee of a loan? Wouldn't it be more normal for a
(2) guarantor simply to guarantee the loan and not to, well,
(3) quite literally, buy CDs in the bank and place them in the
(4) bank? So why was this form chosen?
(5) Mr. Becker. This was not my choice. This was the
(6) bank's choice, Senator, and I suspect that the bank simply
(7) wanted their cash on the barrel head in the event of a
(8) default and recognized that the financial statement of YBD
(9) (USA), absent the \$2.1 million loan that it acquired from
(10) its parent, would not support collateralization of such a--
(11) Senator Lieberman. Okay. That was exactly my
(12) assumption, and I wanted to ask you about it, which is that
(13) just from a lending point of view, the bank reached a
(14) determination that there were not sufficient assets in YBD
(15) (USA). So if YBD was going to guarantee this loan, it had
(16) to actually place, literally, collateral in the bank and--
(17) okay. Let me go to a different part of this, Mr. Becker.
(18) What emerges from several of the documents that we have
(19) been talking about, your own September 23, 1994, memo to Mr.
(20) Young, which is Majority Exhibit 501, the October 6, 1994,
(21) letter you received from Mr. Braden at Baker & Hostetler,
(22) which is Minority Exhibit 292, in all of these it appears
(23) that you were doing what a good lawyer should do for his
(24) client in trying to make sure that the transaction was
(25) legal.

(1) My question for you is: Given that we all--I believe
(2) we all agree that 501(c)(4) organizations such as the NPF
(3) can lawfully receive foreign contributions, why did you go
(4) through all the effort you did, rather than just having the
(5) money go directly from Hong Kong to the NPF?

(6) Mr. Becker. No one ever considered the Hong Kong
(7) corporation as being the loan guarantor. From day one, the
(8) consideration, it is my understanding, had always been the
(9) U.S. corporation. I don't believe as well, sir, that we
(10) never did see the (c)(4) status, and we relied on the fact
(11) that this was an independent entity, free the Federal
(12) election law.

(13) I was--I think in fairness--I don't know that I'm
(14) answering your question very well, but in fairness, I'm
(15) trying to tell you that I was more concerned with the
(16) independence of the National Policy Forum, its lack of any
(17) involvement in the Federal election law, than its (c)(4)
(18) status.

(19) Senator Lieberman. Senator Glenn, if I could have a
(20) minute more, just a final question.

(21) My question is this--here is what jumps out at me to
(22) ask. Wasn't it--were you not concerned or wasn't somebody
(23) concerned that because this, in fact, might be viewed as a
(24) foreign contribution coming from Hong Kong to YBD (USA) that
(25) you had to create all the legal backdrop you did knowing

(1) where the money was going to go, which is to say, going to
(2) the Republican Party for the 1994 elections? Because if it
(3) was just going to the NPF, it was on its face legal.

(4) Mr. Becker. It was not considered then and I do not
(5) consider it now a contribution. It was not a contribution.
(6) It was a pure loan guarantee with every expectation that the
(7) borrower would repay the loan.

(8) Now, the borrower, we knew, had a debt to the
(9) Republican National Committee and that the borrower was
(10) going to take a portion of that debt--the money it received
(11) from the bank and satisfy its obligation to the RNC.

(12) What the RNC was to do with the money it received from
(13) the borrower, we didn't know or--I didn't know and Mr. Young
(14) really didn't care, and we certainly had no control. It
(15) wasn't as if Mr. Young would all Mr. Barbour and say, now,
(16) how are you going to spend this money you've received from
(17) the National Policy Forum? Are you going to spend it on
(18) this congressional race or this senatorial race? None of
(19) that.

(20) Senator Lieberman. But there was never any doubt that
(21) the effect of the guaranteeing of the loan to the National
(22) Policy Forum would be to free up money for the Republican
(23) elections in 1994. That was stated from the beginning to
(24) Mr. Young.

(25) Mr. Becker. That's correct, sir. I would say equally

(1) that there was never any doubt that the effect of the loan
(2) guarantee was to afford funds to the National Policy Forum
(3) to pay its debt to the Republican National Committee.

(4) Senator Lieberman. My time is up. I just want to
(5) read, finally--maybe at some point you can help us
(6) understand this. In your own memo to Mr. Young of September
(7) 23, 1994, you state that--you made sure that--let's see,
(8) made sure that the money came from a U.S. company, you made
(9) sure that it was not, and I quote, "an assignment of an
(10) asset but rather...a pure loan." And you say that in your
(11) October 1994 letter you did this because of a FEC advisory
(12) on the prohibition against foreign nationals being involved
(13) in Federal elections.

(14) Do we have time to give you a chance to--

(15) Mr. Becker. Yes, I'd like to respond, if I may.

(16) Senator Lieberman. Yes.

(17) Mr. Becker. Mr. Young had--someone had suggested to
(18) Mr. Young that YBD (Hong Kong) virtually give the money to
(19) YBD (USA).

(20) Senator Lieberman. Right.

(21) Mr. Becker. Rather than loan it, and that there was
(22) some advantages to this. You may recall, Senator, in some
(23) of the early correspondences, Mr. Young and others visit
(24) with barristers in Hong Kong and they have different ideas
(25) on how to do things in the law.

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(1) I said I saw no point in the straight-out gift. I'd
 (2) rather-I told Mr. Young that I thought it was his
 (3) advantage and the corporation's advantage to create the
 (4) account payable to the parent corporation and call it a loan
 (5) because that is, in fact, what it is. And so that is the
 (6) question that-I hope that answers your question with
 (7) respect to give rather than to loan.
 (8) Senator Lieberman. Okay. Thanks, Mr. Becker, and
 (9) thanks, Mr. Chairman and Senator Glenn.
 (10) Chairman Thompson. Thank you.
 (11) I might just point out very briefly that there have
 (12) been several references made to at least one contribution
 (13) back as far as 1991. The reason that is relevant is because
 (14) it has to do with parties who are also relevant to the 1996
 (15) race, and this shows the connection there and the
 (16) relationship of the parties. If it only had to do with the
 (17) 1992 race or 1994 or whatever, it would be a different
 (18) situation. So that is why it is relevant to our present
 (19) proceedings.
 (20) Senator Brownback?
 (21) Senator Brownback. Thank you very much, Mr. Chairman.
 (22) Welcome, Mr. Becker.
 (23) Mr. Becker. Thank you, sir.
 (24) Senator Brownback. I just have a few questions in
 (25) following up on some things that I am curious about that you

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(1) have had. Who all first reviewed the transaction between
 (2) Young Brothers and the National Policy Forum? You obviously
 (3) were deeply involved in setting up and legally reviewing,
 (4) making sure that this was a legal transaction and that the
 (5) money would be repaid. You had an independent legal
 (6) opinion; is that correct?
 (7) Mr. Becker. Yes, sir.
 (8) Senator Brownback. Were there any other reviews done
 (9) of this particular loan?
 (10) Mr. Becker. I believe-maybe I can tell you how that
 (11) process started.
 (12) Senator Brownback. Please.
 (13) Mr. Becker. The borrower selected the bank, and the
 (14) document-
 (15) Senator Brownback. Selected Signet Bank?
 (16) Mr. Becker. Yes, sir.
 (17) Senator Brownback. Okay.
 (18) Mr. Becker. And the documents, of course, under those
 (19) kind of circumstances have to be the kind of documents that
 (20) satisfy the bank; otherwise, the bank would not agree to the
 (21) loan. And so the original creation of the loan documents
 (22) and the guarantee document were the product initially of the
 (23) bank.
 (24) Now, as I recollect, sir, there were some alterations
 (25) and changes on matters that didn't-that were on kind of the

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(1) bank's forms that had no application to the transaction that
 (2) was ongoing at that time, and the uniqueness of the 11
 (3) separate certificates of deposit. And so there was a
 (4) draftsmanship involvement involving Mr. Norcross,
 (5) representing the borrower, the Policy Forum, the bank, and
 (6) my office.
 (7) Senator Brownback. So your office, you got an outside
 (8) legal opinion. Signet Bank, and-
 (9) Mr. Becker. Counsel for the National Policy Forum, Mr.
 (10) David Norcross.
 (11) Senator Brownback. Okay. Were any of those parties-
 (12) was the Signet Bank concerned about this being an illegal
 (13) transaction?
 (14) Mr. Becker. No, sir.
 (15) Senator Brownback. And you obviously were not, and
 (16) were concerned that it be a legal loan; is that correct?
 (17) Mr. Becker. I'm of that opinion today and have been of
 (18) that opinion since its inception.
 (19) Senator Brownback. As well as the outside legal
 (20) counsel.
 (21) Mr. Becker. Yes, sir.
 (22) Senator Brownback. That you hired in this particular
 (23) case.
 (24) I want to go now to follow up on Mr. Lieberman's
 (25) questioning line about why Mr. Young made this loan

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(1) guarantee, because I am curious as well. It strikes me as
 (2) interesting why you would make that type and size of loan
 (3) guarantee. You made the comment about "it put powder on my
 (4) face," which I found interesting that you said that. Was
 (5) part of it Mr. Young's background as to why all he did that?
 (6) I wish you would further flesh that out for me.
 (7) Mr. Becker. I can't-I cannot climb into his head and
 (8) tell you that. I can tell you what he said at the
 (9) deposition about that, and I've tried to be responsive to
 (10) Senator Lieberman on that score.
 (11) Mr. Young is a very fierce capitalist and a man who
 (12) stands very strongly in favor of-and I don't mean to sound
 (13) hokey or get up on a soapbox, but the capitalistic form of
 (14) government and life that we have here in the United States.
 (15) Senator Brownback. Was part of that his background of
 (16) where he grew up?
 (17) Mr. Becker. Ultimately where he immigrated to, in
 (18) Taipei, after he left the People's Republic of China.
 (19) Senator Brownback. He was born in mainland China and
 (20) left to go to Taipei; is that correct?
 (21) Mr. Becker. Yes.
 (22) Senator Brownback. To where he held very strong
 (23) capitalistic, anti-communist views that he had?
 (24) Mr. Becker. Well, I'd say he's a very strong man for
 (25) freedom, feels very strongly about personal freedoms,

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(1) individuals' personal freedoms, particularly religion and
 (2) speech. Mr. Young is a man who feels all that, yet supports
 (3) unification of the two Chinas.
 (4) Senator Brownback. So he has strong ideological ideas,
 (5) particularly towards freedom and free markets?
 (6) Mr. Becker. Oh, yes. You would enjoy meeting with
 (7) him, I'm sure, Senator. He's a very interesting man, full
 (8) of fascinating stories about the Great March and life during
 (9) that time, and how he has provided for his family in a far
 (10) better way than he could have under the PRC, under Mao
 (11) Zedong, and a man that I make no effort to disguise that I
 (12) have a high admiration for, a man who I believe is a very
 (13) honorable man.
 (14) Senator Brownback. Would that-might he have seen the
 (15) National Policy Forum as a way to advance ideas he believed
 (16) in?
 (17) Mr. Becker. Possibly. Probably. He agreed to the
 (18) writing of the articles, although he has told me that he
 (19) didn't-that wasn't anything that controlled his
 (20) decisionmaking with respect to the loan guarantee.
 (21) Senator Brownback. And you remain-to your knowledge,
 (22) there was never any type of quid pro quo for him personally,
 (23) for his corporations.
 (24) Mr. Becker. No, nothing at all, sir. Nothing at all.
 (25) From Mr. Barbour, from the RNC, from the National Policy

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(1) Forum, from any source whatsoever, there was nothing. There
 (2) was nothing. This was just sort of a patriotic act that was
 (3) done by a non-citizen in that context.
 (4) Senator Brownback. Thank you very much.
 (5) Mr. Becker. Thank you, sir.
 (6) Chairman Thompson. Senator Durbin?
 (7) Senator Durbin. Thank you, Mr. Becker.
 (8) I want to make sure I understand the nature of Mr.
 (9) Young's business in Hong Kong, and it has been alluded to as
 (10) related to the aerospace industry?
 (11) Mr. Becker. Senator, I do not represent the business
 (12) in Hong Kong. I don't-I can only tell you the limited
 (13) knowledge that I have in conversations with Mr. Young with
 (14) regard to when he volunteers information or seeks my advice
 (15) on certain matters that are related to YBD (Hong Kong). So
 (16) I don't want to be-I'm not trying to be evasive to you,
 (17) sir, but at one time-and I don't believe this is the case
 (18) today; I don't believe it's been the case for several years-
 (19) YBD (Hong Kong) was a representative in several nations in
 (20) that part of the world for U.S. and British aerospace
 (21) manufacturers.
 (22) Senator Durbin. Do you know of any specific project
 (23) that they have an interest in in terms of our own Pentagon,
 (24) Department of Defense?
 (25) Mr. Becker. Oh, no, I know of nothing.

(1) Senator Durbin. Is it all on the civilian side? Is
(2) their aerospace business on the civilian side?
(3) Mr. Becker. I don't know. I don't know. I think they
(4) sell-certain nations in that part of the world have-it's
(5) my understanding the civilian business of running an
(6) aircraft is also part of the military as well. It's
(7) difficult to distinguish civilian from military.
(8) Senator Durbin. But you have no knowledge of any
(9) interest they might have in any particular item that would
(10) come before Congress or be considered by the executive
(11) branch?
(12) Mr. Becker. I'm almost certain there is none, because
(13) I would have thought, if that were the case, I would have
(14) known about that.
(15) Senator Durbin. Mr. Young is a frequent or infrequent
(16) visitor to the United States?
(17) Mr. Becker. He's an infrequent visitor, and that's one
(18) of the reasons he kind of makes his home now more
(19) permanently in Hong Kong.
(20) Senator Durbin. But he has, at least according to the
(21) testimony here, been to Washington on at least one occasion,
(22) maybe more, in the last 2 years?
(23) Mr. Becker. Possibly, yes. I know-he was here for
(24) that visit that I described.
(25) Senator Durbin. This was the visit with Speaker

(1) Gingrich and Senator Dole?
(2) Mr. Becker. Yes, sir. And I also know that he-his
(3) physician is here.
(4) Senator Durbin. Do you know where that visit took
(5) place with Speaker Gingrich and Senator Dole?
(6) Mr. Becker. I believe it took place in their
(7) congressional offices.
(8) Senator Durbin. I see. I missed part of the
(9) questioning, and I apologize for that, but I think Senator
(10) Collins asked you for a little background on Mr. Young's
(11) citizenship status. The Chairman at the outset in his
(12) opening remarks indicated, quite properly, that there are
(13) some legitimate areas of contribution and some that are not,
(14) and we should be careful to distinguish them.
(15) But can you tell me what Mr. Young's citizenship status
(16) is?
(17) Mr. Becker. Mr. Young is currently, and has been for,
(18) I think, the last 40, 50 years, a citizen of the Republic of
(19) China. During that period, he also for a period, I believe
(20) from roughly 1970 to 1994, was a citizen of the United
(21) States as well.
(22) Senator Durbin. Could you tell me what has happened to
(23) his U.S. citizenship?
(24) Mr. Becker. Mr. Young gave up his U.S. citizenship in
(25) favor of his citizenship of the Republic of China in 1994, I

(1) believe.
(2) Senator Lieberman. 1993.
(3) Senator Durbin. 1994?
(4) Mr. Becker. '94, I believe, yes.
(5) Senator Durbin. 1994.
(6) Senator Levin. Could it have been 1993? We think it
(7) is 1993.
(8) Senator Durbin. The question is whether it is 1993 or
(9) 1994, and-
(10) Senator Levin. December of-
(11) Senator Durbin. December of 1993?
(12) Mr. Becker. It was either December of '93 or January
(13) of '94. I'm not sure. It's around that time.
(14) Senator Durbin. Do you know why he renounced his U.S.
(15) citizenship?
(16) Mr. Becker. Well, I've asked him that question, and
(17) every time I ask him that question, he always says, "That's
(18) not the right word, Benton. I didn't renounce anything. I
(19) still feel very strongly about the United States." He said
(20) that he simply decided that he wanted to create a single
(21) citizenship in the Republic of China and in Hong Kong, and
(22) he just doesn't come to the U.S., doesn't have any real
(23) reason to come to the U.S., and his children have all
(24) graduated from colleges in the U.S. He used to spend a lot
(25) of time here visiting his children when they were studying.

(1) That's the only explanation that's ever been given to me.
(2) Senator Durbin. Did I hear correctly that his wife is
(3) still a U.S. citizen?
(4) Mr. Becker. That's correct. That's to my knowledge,
(5) yes.
(6) Senator Durbin. And his daughters-three daughters; is
(7) that correct?
(8) Mr. Becker. I think it's three sons and one daughter.
(9) I believe.
(10) Senator Durbin. They are all U.S. citizens?
(11) Mr. Becker. Yes, sir.
(12) Senator Durbin. Senator Brownback raised a question-
(13) Mr. Becker. Four sons. Four sons.
(14) Senator Durbin. Four sons. Senator Brownback raised a
(15) question which you answered indicating that Mr. Young's
(16) interest in contributing to the American political process
(17) had to do with his feelings about capitalism and about
(18) capitalism in America. If I am correct, you said he was a
(19) very fierce capitalist, feels strongly about life as we have
(20) it here in the United States, and went on to talk about
(21) personal freedoms as it related to the Chinas, I believe.
(22) But I guess that is the one thing that might puzzle people
(23) as they get into this, why a man would give us his U.S.
(24) citizenship and still make such a substantial investment in
(25) the American political process, why he would still come and

(1) meet with the leaders in their offices of Congress after
(2) having given up his citizenship.
(3) Have you ever had a conversation with Mr. Young that
(4) specifically about his political commitment yet his decision
(5) to, whatever word you care to use, renounce his U.S.
(6) citizenship?
(7) Mr. Becker. When we've spoken of that issue, his
(8) responses to me have been more or less the responses that
(9) I've given to you, sir, that I don't-there came a point-I
(10) should add there came a point he said to me that the one
(11) thing that he was really getting out of his U.S. citizenship
(12) was the U.S. passport that he didn't have to get visas
(13) everywhere he went. And I think that the visa requirements
(14) eased, may have eased up in those countries. I have a very
(15) vague memory of this, but he hasn't given me any specific
(16) responses to your specific question, sir.
(17) Senator Durbin. Have you ever had a conversation with
(18) him about the tax consequences of his renouncing his U.S.
(19) citizenship?
(20) Mr. Becker. I've had several conversations with him
(21) about matters involving taxes, and I would decline to
(22) respond to the substance of those conversations, if you
(23) don't mind, sir.
(24) Senator Durbin. Based on the attorney-client-
(25) Mr. Becker. Yes, of course.

(1) Senator Durbin. That is understandable.
(2) I would like to go to a point you made earlier about
(3) the National Policy Forum. In your opening statement, I
(4) believe that you referred to it and you characterized it as
(5) a tax-exempt, non-political think tank. Was that your
(6) understanding of that organization when Mr. Young was asked
(7) to support it?
(8) Mr. Becker. Yes, that's the way it was described to
(9) me.
(10) Senator Durbin. When was your first inclination, if
(11) you ever had one, that you were wrong in that
(12) characterization?
(13) Mr. Becker. That it was tax-exempt, that it was a
(14) think tank, that it was non-political, or all three or-
(15) Senator Durbin. Let's go to the non-political
(16) operative word there.
(17) Mr. Becker. Well, I would fall back on the same
(18) response that I made to the questions with regard to the
(19) Baroody memo. I don't-I've never discussed the substance
(20) of that memo with anyone, and I don't know to what extent
(21) that memo accurately reflects the interlocking relationship
(22) between the RNC and the NPF. But if I had known-if it was
(23) accurate and if it was proved to be accurate, it would have
(24) had a great effect on my decisionmaking with respect to my
(25) recommendations to Mr. Young, indeed. Of course.

(1) Senator Durbin. But I take from what you said, you did
 (2) not see that memo until very recently?
 (3) Mr. Becker. That's right, sir. That memo, although it
 (4) is a June 1994 memo and it was in existence at the time
 (5) consideration was being given, I have not seen that memo
 (6) until last month.
 (7) Senator Durbin. Did Mr. Barbour's personal involvement
 (8) and very high personal interest in this National Policy
 (9) Forum cause you any pause in your assumption that it was
 (10) non-political in nature?
 (11) Mr. Becker. No. No, I don't believe so. I harizen
 (12) back to the Republican National Committee under Bill Brock
 (13) and under Mary Louise Smith, and I recall that as
 (14) chairpersons, they wore lots of chairperson hats, wore lots
 (15) of committees. I thought it was a more symbolic
 (16) chairmanship than actual working member of the National
 (17) Policy Forum.
 (18) Senator Durbin. Thank you, Mr. Chairman.
 (19) Mr. Becker. Thank you.
 (20) Chairman Thompson. Senator Specter?
 (21) Senator Specter. Thank you, Mr. Chairman.
 (22) Mr. Becker, the complex transaction at hand boils down
 (23) to an attempt to determine whether this was a sophisticated
 (24) contribution from a foreign source to Republican National
 (25) Committee or whether it was a genuine complicated commercial

(1) transaction.
 (2) When I take a look at the letter from Baker &
 (3) Hostetler, on the second page, where the provision follows
 (4) that the National Policy Forum—that, "The partial repayment
 (5) by National Policy Forum of such outstanding loan
 (6) obligations will not be made to a political committee as
 (7) defined by the Act," the question rises in my mind as to
 (8) whether that was not a precise purpose of the loan which
 (9) would have made it a violation of the terms and conditions
 (10) of the opinion letter by Baker & Hostetler.
 (11) You say in the detailed memorandum which you sent to
 (12) Mr. Young that there is an intent for the National Policy
 (13) Forum to pay part of those proceeds to the Republican
 (14) National Committee. Now, doesn't that run in direct
 (15) contradiction to the assumption made by Baker & Hostetler in
 (16) their opinion letter?
 (17) Mr. Becker. I don't think so, Senator. I never did
 (18) understand exactly what Mark Braden meant by that language.
 (19) Senator Specter. Well, if you did not understand, why
 (20) didn't you ask him?
 (21) Mr. Becker. Just a moment, if I may finish. I didn't
 (22) understand it, but I understood this. I understood that Mr.
 (23) Barbour and the National Policy Forum people had made it
 (24) clear to YBD's people, Mr. Young and to myself, that there
 (25) was an existing debt between the National Policy Forum and

(1) the Republican National Committee.
 (2) My understanding is that Mr. Braden of Baker &
 (3) Hostetler was made equally aware of that existence, and my
 (4) focus in his letter was that he concluded that there was no
 (5) violation of any law.
 (6) Senator Specter. Well, Mr. Becker, I do not want to
 (7) interrupt you, but I do not have very much time. My
 (8) question to you is how could you conclude that when in the
 (9) Baker & Hostetler letter written by Mr. Braden, he says
 (10) this, "The National Policy Forum will use a portion of the
 (11) bank's loan proceeds to repay its presently outstanding loan
 (12) obligations. We have been assured, and assume it to be
 (13) true, that the partial repayment by National Policy Forum of
 (14) such outstanding loan obligations will not be made to a
 (15) political committee as defined by the Act? Now, certainly
 (16) the Republican National Committee is a political committee
 (17) as defined by the Act.
 (18) Mr. Becker. Senator—
 (19) Senator Specter. Isn't it pretty plain on the face of
 (20) this letter that the Baker & Hostetler opinion letter is
 (21) conditioned on the loan repayment not being made to a
 (22) political committee like the National Republican Committee?
 (23) Mr. Becker. No, it isn't in my view.
 (24) Senator Specter. Why not?
 (25) Mr. Becker. One fair interpretation of that letter and

(1) the meaning of that letter is that the money that the
 (2) National Policy Forum received from the Signet Bank in its
 (3) loan will be transferred in whole or in part to the RNC in
 (4) the form of soft money, so that to pay back the debt that
 (5) the National Policy Forum then has to the RNC. If that be
 (6) the case—and I would assume that the \$2-million debt that
 (7) the National Policy Forum had run up with the RNC was a debt
 (8) that was generated from soft money. I would assume that the
 (9) RNC did not sponsor, finance, loan money to the National
 (10) Policy Forum in the form of hard money.
 (11) And so I believe that, ultimately, I concluded that
 (12) that is what Mr. Braden was talking about, that it would go
 (13) back in the form that it came to the RNC, to wit in the form
 (14) of soft money.
 (15) Senator Specter. Well, Mr. Becker, I do not understand
 (16) that answer in light of the fact that there is no reference
 (17) to hard or soft money at all in what the Baker & Hostetler
 (18) letter says.
 (19) Mr. Becker. Well, Senator, I thought you asked me what
 (20) my understanding and interpretation of that was, and I tried
 (21) to give that to you.
 (22) Senator Specter. Well—
 (23) Mr. Becker. It seems to me that it is pretty clear
 (24) that the—that Mr. Braden knew that the money was going from
 (25) the National Policy Forum back to the RNC. It seems to me

(1) pretty clear—
 (2) Senator Specter. Where in the context of this letter
 (3) is it plain to you that Mr. Braden, the Baker & Hostetler
 (4) letter, knew that the money was going back to the Republican
 (5) National Committee?
 (6) Mr. Becker. My understanding is that Mr. Braden was
 (7) given copies of all of the relevant literature that had been
 (8) generated prior to creating that loan, including the
 (9) National Policy Forum literature that described the
 (10) organization—
 (11) Senator Specter. Well, did you ask Mr. Braden if he
 (12) knew that part of this money was going back to the
 (13) Republican National Committee?
 (14) Mr. Becker. No. No, I did not.
 (15) Senator Specter. Why not?
 (16) Mr. Becker. Well, Senator, I guess hindsight is
 (17) something to admire. I can't—the only explanation I can
 (18) give you is that I didn't because I thought it was
 (19) satisfactory.
 (20) I relied on the information that we had gotten, the
 (21) representations that had been made to us that this was an
 (22) independent non-political organization that was not covered
 (23) by the Federal election law, and—
 (24) Senator Specter. Well, Mr. Becker, I think there is a
 (25) lot of evidence to that, and I do not believe that there has

(1) been put into the record—and I would like to put this into
 (2) the record—the policy forums which are very professional,
 (3) have people like Jeane Kirkpatrick and Richard Lugar and
 (4) Bill Weld and Carla Hills, to put that into the record.
 (5) I think that there is a good bit of evidence on the
 (6) independence, and there is a good bit of evidence that this
 (7) was an arm's-length transaction judging from the letter from
 (8) Mr. Richards to Haley Barbour that Haley Barbour does not
 (9) answer, where Mr. Richards complains about the Republican
 (10) National Committee not living up to its moral obligation at
 (11) least, but there is this one factor which I find troubling,
 (12) where you go to Baker & Hostetler for this opinion, and Mr.
 (13) Braden is very explicit in his understanding that it will
 (14) not be paid to a political committee, and that, in fact, is
 (15) what is done, and you knew that based on your virtually
 (16) contemporaneous memorandum to your client that that is what
 (17) was going to be done.
 (18) Mr. Becker. The error in the assumption there, sir, is
 (19) that it was not I who went to Mr. Braden, who gave Mr.
 (20) Braden the background information on the transaction.
 (21) Senator Specter. It went to Mr. Braden. Do you mean
 (22) Mr. Braden?
 (23) Mr. Becker. To Baker & Hostetler.
 (24) Senator Specter. Well, you did see this letter from
 (25) Mr. Braden, didn't you?

(1) Mr. Becker. I did, but it was Mr. Norcross, not I,
(2) that gave them that information, the information on the
(3) background of the transaction, and I was told by Mr.
(4) Norcross that Mark Braden was given the full scope of
(5) everything with respect to the background of the
(6) transaction, including what the National Policy Forum
(7) intended to do with the money once it received it from the
(8) Signet Bank.

(9) Senator Specter. Well, Mr. Becker, are you saying that
(10) you do not have an independent obligation to check the
(11) letter that Mr. Braden is sending out to see to it that it,
(12) in fact, gives you client the protection he is looking for?
(13) This, after all, is a letter which is written to you, so
(14) that you can be sure that Young Brothers is getting adequate
(15) protection.

(16) When you received this letter, you did read it, didn't
(17) you?

(18) Mr. Becker. I received this letter from Mr. Norcross
(19) and a package of other information from Mr. Norcross, and of
(20) course, I did read it, Senator, and if you are asking me if
(21) I could turn the clock back and should I pick up the phone
(22) and call Mr. Braden today, if I could do it again, the
(23) answer is yes, of course.

(24) Senator Specter. Well, Mr. Becker, did you get this
(25) letter from Mr. Norcross or did you get it from Mr. Braden?

(1) The letter is written from Mr. Braden to you.

(2) Mr. Becker. My memory is that it came from Mr.
(3) Norcross, sir.

(4) Senator Specter. Have you seen this letter lately, Mr.
(5) Becker, dated October 6th, Baker & Hostetler? The addressee
(6) is Benton L. Becker, and it reads "Dear Mr. Becker," and it
(7) purports to go to you via fax and first class mail.

(8) Mr. Becker. Well, but there is an earlier
(9) correspondence, you will remember, Senator, from me to Mr.
(10) Young, wherein I lay out to Mr. Young that a series of items
(11) are going to be delivered to YBD (USA) from the National
(12) Policy Forum. Included within that series of items is, I
(13) believe, item 9, the independent evaluation by an
(14) independent counsel with respect to the propriety of the
(15) transaction.

(16) Senator Specter. Well, I do remember that, but I do
(17) not quite understand its relevancy, why that went from you
(18) to Mr. Young. It did not go to Mr. Braden or Baker &
(19) Hostetler.

(20) Mr. Becker. It is relevant, Senator, in the fact that
(21) Mr. Norcross of the National Policy Forum would have been
(22) charged with the responsibility of obtaining the opinion
(23) letter and of delivering it.

(24) I can tell you this, that I never discussed this matter
(25) with Mark Braden prior to or after the receipt of a letter.

(1) Senator Specter. But you did get the letter from Mr.
(2) Braden?

(3) Mr. Becker. I did get the letter. I believe the
(4) letter was part of a package that was given to me by Mr.
(5) Norcross.

(6) Senator Specter. Mr. Chairman, may I have another
(7) minute or two for one more question?

(8) Chairman Thompson. All right.

(9) Senator Specter. Mr. Becker, when Mr. Barbour wrote to
(10) you on the letter dated August 30, 1994, with the language,
(11) "Nevertheless, I am committed to making sure National Policy
(12) Forum raises sufficient funds to cover its operations and to
(13) pay off any and all of its debts. Moreover, as chairman of
(14) the Republican National Committee, in the event National
(15) Policy Forum defaults on any debt, I will ask the Republican
(16) National Committee to authorize me to guarantee and pay off
(17) the NPF debts," it was plain to you on the face of that
(18) letter that that was not a guarantee by either the
(19) Republican National Committee or Mr. Barbour?

(20) Mr. Becker. Yes, and that was communicated as such, to
(21) my mind.

(22) Senator Specter. Why didn't you pursue at that time an
(23) effort to get that kind of a guarantee?

(24) Mr. Becker. Well, I had, I had.

(25) Senator Specter. What happened?

(1) Mr. Becker. The Republican National Committee declined
(2) to be a party to the loan transaction in the form of a
(3) secondary guarantor.

(4) Senator Specter. Well, they declined substantially
(5) after this letter of August 30, 1994 was written. This
(6) letter says that Mr. Barbour will go to the Republican
(7) National Committee in the event of default which did not
(8) occur until much, much later.

(9) Mr. Becker. I misunderstood your question. I-

(10) Senator Specter. My question is, why did you not at
(11) that time seek to get the requisite guarantee?

(12) Mr. Becker. Prior to this letter-prior to this
(13) letter, in my conversation with Mr. Norcross as the general
(14) counsel, I had urged Mr. Norcross to persuade Mr. Barbour to
(15) have the RNC part of the loan guarantee transaction and a
(16) secondary role to the YBD (USA).

(17) Mr. Norcross advised that that was-Mr. Barbour would
(18) not agree to that and that the RNC would not be a formal
(19) party to the loan transaction.

(20) Now, if you are asking me after I received the letter
(21) of August 30th, should I have gone to the RNC and ask the
(22) RNC to do it, is that your-

(23) Senator Specter. That was my question.

(24) Mr. Becker. I spoke to Dick Richards about the impact
(25) of this letter, Richard Richards, the former chairman, and

(1) Dick gave me a strong sense of comfort with respect to this
(2) letter. This was a letter, Dick said, that if an RNC
(3) chairman went to a Budget Committee and asked for this, the
(4) Budget Committee would not refuse it, and that we could rely
(5) on the Budget Committee granting the request.

(6) Senator Specter. Thank you, Mr. Becker.

(7) I think there are many indicia to suggest a genuine
(8) commercial transaction here, but I am troubled by this one
(9) aspect, which seems to be a critical part of the Baker &
(10) Hostetler letter which went to you and why the loop was not
(11) closed on that, and it may be, as we look at campaign
(12) finance reform, we are going to have to do more than
(13) prohibit foreign contributions which are now on the books.
(14) Those prohibitions that go beyond that deal with commercial
(15) transactions where some of that money may go indirectly, not
(16) necessarily directly, when somebody makes good on a loan
(17) guarantee.

(18) Thank you, Mr. Chairman.

(19) Mr. Becker. Senator, thank you very much, and if there
(20) is anything I can do to clarify that in the future, I will
(21) be glad to try to clarify that troubling issue. And I do
(22) appreciate your observation, and I endorse that this clearly
(23) was a commercial transaction, as contemplated by YBD.

(24) Senator Specter. Well, there are some things you could
(25) do to help me on it, and that is, you could go back and see

(1) if you received that letter and focus on that particular
(2) paragraph and see why you did not tell Mr. Braden that these
(3) monies were going to the Republican National Committee. If
(4) that question is answered, I think you have a very solid
(5) position here. Otherwise, there is a dangling threat.

(6) Mr. Becker. Well, I will tell you what I will do. I
(7) don't know if I can figure out how it came in the mail, but
(8) my memory is that it came from Mr. Norcross. But I will
(9) speak to Mr. Norcross and Mr. Braden, and I will see if I
(10) can get Mr. Braden's assurance that Mr. Braden was
(11) knowledgeable of that when he wrote that.

(12) Senator Specter. Well, I would appreciate that
(13) supplement. Thank you.

(14) Mr. Becker. I would be glad to do that, Senator.
(15) Chairman Thompson. While we are on that point, if I
(16) could take just a minute out of our time to perhaps clarify
(17) this point a little bit. We have the opening remarks of Mr.
(18) Scott Reed. He was on the witness list. I do not know if
(19) he will be called or not, but he states that the money that
(20) came back from the National Policy Forum did not go back to
(21) the Republican National Committee. It went to the
(22) Republican National State Elections Committee account. I
(23) think it was what you referred to as a soft money account,
(24) and that account could not be used to fund any Federal race.

(25) So I think his position is that, in fact, consistent

(1) with the Baker & Hostetler letter, that it not be made to a
 (2) political committee, as defined by the Act, that this would
 (3) not be a political committee as defined by the Act.
 (4) I do not know whether this is accurate or not, but just
 (5) to clarify the issue, and hopefully we will be able to do
 (6) that with other witnesses, I think that is the point, is it
 (7) not?

(8) Mr. Becker. That is the way I would see it, sir.
 (9) Chairman Thompson. All right, sir.
 (10) Senator Torricelli?

(11) Senator Torricelli. Thank you, Mr. Chairman, very
 (12) much.

(13) Mr. Becker, thank you for being with us and for your
 (14) considerable patience this afternoon. I am going to say at
 (15) the outset that I think we are all moved at the notion that
 (16) Mr. Ambrous Young believed in our country sufficiently to
 (17) participate in our process and believed so strongly in our
 (18) system of Government.

(19) When you are a citizen of the People's Republic of
 (20) China, when you renounce American citizenship, that is,
 (21) indeed, a strong tide you are running against, wouldn't it
 (22) be? It is an extraordinary, unusual set of circumstances.

(23) Mr. Becker. Senator, he is not a citizen of the
 (24) People's Republic of China. He ceased being a citizen of
 (25) the People's Republic of China when he was about 14 years

(1) old. He is a citizen of the Republic of China.
 (2) Senator Torricelli. So the dual citizenship we have is
 (3) Taiwan and with the United States?

(4) Mr. Becker. Yes, sir.

(5) Senator Torricelli. What I was curious about, I take
 (6) it Mr. Barbour and Mr. Young met in August of 1994, I saw
 (7) from the correspondence?

(8) Mr. Becker. I think that is correct.

(9) Senator Torricelli. I saw that Mr.-

(10) Mr. Becker. I don't believe they met before this
 (11) particular transaction.

(12) Senator Torricelli. So they had a chance to
 (13) communicate in August of 1994.

(14) I wonder if we could put up Exhibit No. 279. It is a
 (15) very curious thing because, although there is some
 (16) discussion about why it is Mr. Young would renounce American
 (17) citizenship, it is a peculiar set of circumstances, be it
 (18) the People's Republic of China or the Republic of China.
 (19) Mr. Barbour in his files has a note, Ambrous Young,
 (20) Stephen's father, had dual U.S.-China citizenship, but for
 (21) tax purposes, he is giving up his citizenship, so that Steve
 (22) will now be the Team 100 member.

(23) It is a peculiar thing that a person renounce his
 (24) citizenship because they do not want to pay taxes to the
 (25) United States, despite some admitted considerable admiration

(1) for our country and our system of government, but had more
 (2) than \$2 million available to make a loan to an affiliated
 (3) organization, the Republican National Committee.

(4) Do you find that a peculiar way to express admiration
 (5) for the United States?

(6) Mr. Becker. No, I don't. I have trouble with your
 (7) premise, though. It is not Mr. Young's \$2 million. It was
 (8) the corporation's \$2 million. It was not Mr. Young's
 (9) personal \$2 million.

(10) Senator Torricelli. So there is nothing unusual that
 (11) you leave citizenship of the United States because you do
 (12) not want to pay taxes to the United States, but your
 (13) corporation makes this money available for our political
 (14) process, and yet, the motivation is a considerable
 (15) admiration for our system of government and for the country?

(16) Mr. Becker. I can tell you this, Senator, that Mr.
 (17) Ambrous Young has an admiration for this country. Mr.
 (18) Ambrous Young was instrumental in persuading his corporation
 (19) to make this loan guarantee. It is not Mr. Young's money.

(20) I don't know-I don't even know who Henry Barbour is,
 (21) the author of this document, and the accuracy of his
 (22) statement. You seem to adopt it as being absolutely
 (23) accurate because it is written in longhand and found in
 (24) Haley Barbour or somebody's file at the RNC. I don't know.

(25) Senator Torricelli. Mr. Barbour is the director of

(1) Team 100. He is the nephew of Haley. He runs the program,
 (2) and he wrote this note soon after Haley Barbour was with Mr.
 (3) Young. I think, Mr. Becker, the point stands.

(4) Let me move on, if I could. There are certain
 (5) certainties in life. One is that we find that there is this
 (6) effort to make the \$2 million in loan money available.
 (7) There are memoranda we have now all witnessed this morning
 (8) indicating that this was important to do on an expedited
 (9) basis. So there was some effort to have this done as
 (10) quickly as possible.

(11) Yet, the money is made available from Signet Bank on
 (12) the 13th of October, but yet, it was not distributed to the
 (13) bank until the 20th of October. Would you know any reason
 (14) why, after all of this considerable effort to make the loan
 (15) money available, the bank approves the money, and then the
 (16) bank is told to hold the money for another week-

(17) Mr. Becker. I-

(18) Senator Torricelli. -and not distribute it
 (19) Mr. Becker. I'm sorry. I didn't mean to interrupt
 (20) you.

(21) I think that is the same subject Mr. Baron and I were
 (22) answering questions about today. I had no knowledge of that
 (23) timing at that time, nor until recently. Mr. Baron's office
 (24) has advised me that there was some cutoff filing date at the
 (25) Federal Election Commission on the 20th of October or

(1) something of that nature, and that is the reason he
 (2) subscribes-

(3) Senator Torricelli. Indeed, on the 19th. So, after
 (4) all this considerable effort to make the money available,
 (5) the bank is then told to hold the money, and it is not
 (6) distributed until the day after there is a filing deadline
 (7) by the Federal Election Commission, and although all this
 (8) money supposedly was going to a charitable organization that
 (9) would not be directly involved in the political process,
 (10) care was taken that there be no distribution within the
 (11) reporting period of the Federal Election Commission.

(12) That would lead someone to believe that upon some
 (13) future inquiry and if documents were revealed, they did not
 (14) want to be violating reporting requirements of the Federal
 (15) Election Commission. Clearly, someone within the Republican
 (16) Party involved with the National Policy Forum believed by
 (17) their actions that they were involved in moving money for
 (18) electoral purposes. Wouldn't that be at least a fair
 (19) interpretation of the fact?

(20) Mr. Becker. Is it fair? It is a fair interpretation
 (21) of the facts. The problem is it is asked of the wrong
 (22) witness. I don't have any information that-

(23) Senator Torricelli. You are convenient for the moment.
 (24) Mr. Becker. I am happy to be the only one here. Is
 (25) that the idea?

(1) Senator Torricelli. If I could now move to Exhibit
 (2) 349, on page 2, there is a reference here. This is a letter
 (3) to Mr. Barbour from Richard Richards, consistent with your
 (4) theme that you are the person available at the moment to
 (5) address the question.

(6) In this paragraph of Mr. Richards' letter: Mr. Young
 (7) and I were all to go to China for the purpose of seeing if
 (8) we could facilitate some business in China that Mr. Young
 (9) had in mind. It was during those discussions that the
 (10) question of forgiveness became seriously considered, and Mr.
 (11) Young indicated to both you and me, and you and I also
 (12) discussed the possibility of forgiveness, if Mr. Young could
 (13) get some business opportunities that would justify
 (14) forgiveness of such a large indebtedness. Forgiveness was
 (15) always, underlined, contingent upon Mr. Young getting
 (16) something in return that would justify this kind of a
 (17) generous gift.

(18) It raises the question, Mr. Becker, of whether or not
 (19) Mr. Young was ever making a contribution or he was making an
 (20) investment by his actions with the National Policy Forum.
 (21) Could you set some context for Mr. Richards' letter or, in
 (22) fairness to your client, some explanation?

(23) Mr. Becker. Well, the answer to the first question, of
 (24) course, it was an investment, not a gift, and the response
 (25) to the second question is that this is Mr. Richards' letter.

(1) Mr. Richards wrote this letter. I think I characterized it.
(2) I was just looking for my opening statement. I
(3) characterized it in my opening statement as a recitation of
(4) the history of this matter as Mr. Richards perceived it.
(5) Mr. Young, I know has some serious questions about some
(6) of the things that Mr. Richards concluded within the context
(7) of this letter, and I believe Mr. Richards has testified and
(8) is scheduled to testify before this body later this week
(9) that this represents his views of matters, and it is not
(10) necessarily Mr. Young's views or anyone else's views.
(11) I do know that Mr. Richards prepared this letter and
(12) shipped it out without my seeing it or Mr. Young seeing it.
(13) So, if you don't mind—
(14) Senator Torricelli. No. Indeed, I am not trying to
(15) characterize that this was in any way Mr. Young's thoughts—
(16) Mr. Becker. No.
(17) Senator Torricelli. —or direct testimony from him,
(18) but it is written from a man who was speaking in the first
(19) person of his own recollections of conversations in which he
(20) was involved, and I wanted to make certain that it was in
(21) the record.
(22) Moving along, if I could, to a point I think has been
(23) established, but it bears some repeating, on Exhibit 511,
(24) let me bring your attention, once again, lest there be any
(25) doubt about it, on point number 3. This goes back to the

(1) point I was making to you, again, about the urgency of the
(2) contribution. Urgently needed and directly related to the
(3) November elections, this, of course, being a letter from
(4) Ambrous Young to Haley Barbour. There is no question,
(5) therefore, that people were on notice that in making these
(6) contributions that the context of the November elections was
(7) directly mentioned and clearly made clear to everyone
(8) involved.
(9) Would you like to comment on that?
(10) Mr. Becker. Just to say that that is 9 days or 10 days
(11) after that dinner in Washington, Senator, and I have always
(12) assumed that Mr. Young was simply quoting Mr. Haley. I
(13) think I always assumed those were not Mr. Haley—Mr.
(14) Barbour's words, said to Mr. Young, and Mr. Young is
(15) re quoting them back to Mr. Barbour.
(16) Senator Torricelli. Senator Glenn, do you have any
(17) additional time?
(18) Senator Glenn. Do you want 2 minutes?
(19) Senator Torricelli. Yes, if I could have 2 minutes,
(20) please.
(21) Mr. Becker, I had a series of other questions. Let me
(22) just conclude with this, if I could. It is clear whether by
(23) direct contribution or because of freeing other funds that a
(24) citizen of the Republic of China was able to enter into the
(25) elections of the United States in 1994 in excess of \$2

(1) million of funding. That would mean, whether or not it was
(2) his intention and whether or not the contributions were made
(3) directly to the Republican National Committee, the net
(4) impact is that Mr. Young was probably at a larger financial
(5) impact on the elections to the United States in 1994 than
(6) any other individual in this country.
(7) I say that, recognizing that he is a victim, not an
(8) architect of this scheme. It, nevertheless, leaves us
(9) with—today's New York Daily News carries a headline, "The
(10) Impact on the Gubernatorial Race in New York State in 1994."
(11) If Mario Cuomo were here, if indeed members of
(12) Congress, Mr. Darden of Georgia who lost by 5,000 votes,
(13) Congressman Klein of New Jersey by 2,000 votes, Mr.
(14) Strickland of Ohio by 3,000 votes, Chairman Brooks of Texas
(15) by 5,000 votes—each and every one of the Republican parties
(16) in those States receives tens of thousands of dollars
(17) collectively, as this \$2 million of freed-up funds was
(18) distributed throughout the United States. I wondered what
(19) you would say or Mr. Young would say to all these people who
(20) lost their careers, the citizens of these States who are
(21) influenced by advertising with money that came from a Hong
(22) Kong corporation, of an individual who would renounce his
(23) American citizenship and was a citizen of the Republic of
(24) Taiwan, to know that our elections were so influenced.
(25) These hearings were called by Chairman Thompson for,

(1) among other things, the central and continuing issue about
(2) whether or not the elections of the United States had been
(3) influenced by foreign money. I know of no better evidence
(4) to make a stronger case than at least these congressional
(5) races and probably a score of others. The course of who
(6) represented the American people and serve in the Congress of
(7) the United States has been inalterably changed by virtue of
(8) what was clearly a conspiracy by some that resulted in
(9) excess of \$2 million in the final stages of the election
(10) process of 1994, avoiding detection, but having an impact on
(11) our electoral system.
(12) Mr. Becker?
(13) Mr. Becker. Senator.
(14) Senator Torricelli. Thank you, Mr. Chairman.
(15) Chairman Thompson. Senator Smith?
(16) Senator Smith. Thank you, Mr. Chairman.
(17) Good afternoon, Mr. Becker.
(18) Mr. Becker. How are you, sir?
(19) Senator Smith. I am fine. I realize that was a pretty
(20) difficult tirade to endure.
(21) Mr. Becker. No, no, no, no. Not at all. Not at all.
(22) I was waiting for a question and there was no question, so—
(23) Senator Smith. I was kind of waiting for one myself.
(24) Senator Torricelli. The opportunity was there.
(25) Senator Smith. We could probably run down a list of

(1) several Republican candidates who lost similar elections and
(2) perhaps make a point as well, but the truth of the matter
(3) is—and I think your testimony this afternoon has been quite
(4) candid—is that this was not a secret, nefarious
(5) arrangement. This was very open, and it was above board,
(6) and the comment as to the source of the loan is one thing,
(7) but to imply that there was some nefarious agreement here, I
(8) think, is beyond the bounds of what the testimony has been.
(9) I might also say that it is a bit refreshing from my
(10) perspective, as I sit here, Mr. Chairman, to have witnesses
(11) that know something about our investigation who are willing
(12) to come in and talk with us, and we appreciate that.
(13) Let me ask a couple of questions. There has been a lot
(14) of material covered here, and I do not want to repeat it. I
(15) just want to try to fill in a few blanks. Did you ever meet
(16) personally with Haley Barbour on this matter or any other
(17) matter?
(18) Mr. Becker. No, sir, never met with him or spoke to
(19) him.
(20) Senator Smith. Never talked with him on the phone
(21) either?
(22) Mr. Becker. No, sir.
(23) Senator Smith. I want to pick up a little bit on the
(24) letter that Senator Specter questioned you on, but you did
(25) go to considerable lengths to ensure that the loan guarantee

(1) that was entered into between Young Brothers (USA) and the
(2) National Policy Forum was legal under the law, and one of
(3) the ways you did that was to seek outside legal counsel.
(4) In the letter from Mr. Braden, he said in the letter to
(5) you—that is October 6, 1994—he said, "You have requested
(6) our review of whether this transaction conflicts with
(7) certain U.S. laws." Do you recall in what manner you made
(8) that request? Did you have a conversation with Mr. Braden
(9) or with his law firm, or how was that matter conveyed to the
(10) outside counsel?
(11) Mr. Becker. I have no memory of ever conversing with
(12) Mr. Braden directly. My conversations on this matter were
(13) with Mr. Norcross, and Mr. Norcross engaged Mr. Braden.
(14) Senator Smith. All right.
(15) Mr. Becker. Mr. Norcross also assured me that Mr.
(16) Braden had been given a full description, a detailed
(17) description of the transaction that was then contemplated.
(18) Senator Smith. Now, was it your understanding that
(19) this law firm, Baker & Hostetler, was fairly well qualified
(20) to get into the intricacies of election laws and what was
(21) right and wrong?
(22) Mr. Becker. My understanding of Mark Braden was at one
(23) time the general counsel of the Federal Election Commission
(24) or of the Republican National Committee, but my
(25) understanding is that he certainly his well versed in the

(1) election laws.

(2) Senator Smith. I think the last paragraph of the
(3) letter, it is pretty clear if I were you, receiving such a
(4) letter from Mr. Braden in which it concludes, "Based upon
(5) the facts and circumstances stated in this letter: (1) YBD
(6) (USA's) participation in this loan transaction as a third
(7) party provider of collateral does not conflict with any
(8) provision of any federal election or campaign financing
(9) regulation....," and then it goes on to say that it "...does
(10) not conflict with any provision of NPF's bylaws or
(11) articles...; and...we are not aware of any federal or state
(12) statute which would prohibit YBD (USA)...from pledging its
(13) collateral to the bank as security....," et cetera.

(14) Did you have any question after receiving that letter
(15) that there was any problem with doing what you did?

(16) Mr. Becker. Well, frankly, it just simply reinforced
(17) an expert on the subject, my view of the transaction.

(18) Senator Smith. Let me go back. During 1994, are you
(19) aware that anyone informed, either in the National Policy
(20) Forum or the Republican National Committee, that the money
(21) for this loan guarantee for NPF was coming from YBD (Hong
(22) Kong)? Was there any communication to either the National
(23) Policy Forum or to the RNC that this money, this loan
(24) guarantee was coming from Hong Kong?

(25) Mr. Becker. Well, I am aware now that Mr. Young has

(1) said that that was discussed at the August 1994 dinner, and
(2) I am aware that Mr. Young has described a meeting with Mr.
(3) Barbour in 1995 upon the yacht where Mr. Young again spoke
(4) of the corporate Hong Kong source of the funds that were
(5) sent to YBD and then used as the loan collateral purchase.

(6) I am aware of my earlier testimony with respect to my
(7) generalized view of my broad conversations with Mr. Norcross
(8) regarding the relationship of the corporations, but not
(9) anything specific on that score.

(10) It seems to me Mr. Richards has advised me and informed
(11) me that he, too, had conversations with people at the RNC on
(12) that matter.

(13) The point of the matter, Senator, is nobody was hiding
(14) anything or concealing anything. It was a commercial
(15) transaction, and it didn't matter that the money was coming
(16) from a foreign corporation to its subsidiary in the U.S.

(17) Senator Smith. I do not know Mr. Young, but based on
(18) the materials that I have read and the memos, letters, and
(19) depositions, it appears to me as if he did not readily
(20) accede to making the loan. He looked at it very carefully?

(21) Mr. Becker. Yes, that's correct.

(22) Senator Smith. And he sought legal counsel, obviously.

(23) Mr. Becker. Yes.

(24) Senator Smith. And had at least one or two, if not
(25) more, meetings, in addition to correspondence on this

(1) matter, as I recall, before making a decision, is that
(2) correct?

(3) Mr. Becker. Well, Mr. Young describes a series of
(4) telephone conversations. Mr. Volcansek actually went one
(5) time to Hong Kong to try to persuade him to do it. I think
(6) there is the one in-person meeting with Mr. Barbour, but
(7) yes, many conversations on this subject between Mr. Young
(8) and Mr. Richards where Mr. Richards is encouraging Mr. Young
(9) to go forward with it.

(10) Senator Smith. It just appears to me rather than-I do
(11) not know where the term "nefarious plot" came from. Maybe I
(12) used it, but I think others used it ahead of me. It would
(13) seem to me that the way he went about determining how he was
(14) going to do this was very careful and very selective and not
(15) really in any way a plot. In other words, if he wanted to
(16) do something nefarious in conjunction with the RNC or
(17) anybody else, he could have done so without taking the pain
(18) and time that he took to go through counsel, go through
(19) various meetings, consulting people to make a decision
(20) before he made the loan-before his company made that loan.
(21) Is that not correct?

(22) Mr. Becker. Absolutely, Senator. I couldn't agree
(23) more, and I would kind of reverse some of the questions with
(24) respect to that by asking what would be the motive for Mr.
(25) Young to enter into such a nefarious plot. There would be

(1) no motive. He would have nothing to gain, risk violation of
(2) the law, lie to his counsel, lie to Mr. Richards. There is
(3) nothing to gain by that.

(4) Mr. Young had no motive to entering into any kind of
(5) conspiratorial activity and did not. He was lobbied and
(6) succumbed to the lobbying only after he felt comfortable
(7) that it was a safe investment and that it would be repaid.

(8) Senator Smith. Thank you very much, Mr. Chairman. My
(9) time has expired. I have no further questions.

(10) Chairman Thompson. Thank you.

(11) Senator Cleland?

(12) Senator Cleland. Mr. Chairman, let me just follow up
(13) on that point.

(14) Mr. Becker, we appreciate your indulgence, and we
(15) appreciate your patience with us and appreciate your
(16) willingness to come and visit with us. Let me just follow
(17) up on the point just raised.

(18) Do the weak laws surrounding the raising of soft money
(19) by both parties, in your opinion, put our political system
(20) and our Government in jeopardy of undue influence by foreign
(21) business and governments?

(22) Mr. Becker. I think the laws on the book today with
(23) respect to soft money do more than that, Senator. I think
(24) they put into jeopardy any real integrity into the Federal
(25) campaign laws. I don't think you can even begin to address

(1) Federal campaign laws and cleaning up that problem without
(2) addressing first the issue of soft money. That is my
(3) personal view.

(4) Senator Cleland. So you would recommend to the
(5) Committee to seriously consider the elimination of soft
(6) money in any reform package?

(7) Mr. Becker. Senator, I'll go a step beyond that. If
(8) this Committee and this Congress fails to do anything with
(9) respect to soft money and simply applies a Band-Aid surgery
(10) to the Federal election law, in my view, we will revisit
(11) this issue again in 5 years or 10 years, and that will be a
(12) shame.

(13) Senator Cleland. It would be a shame.

(14) As a lawyer, a constitutional lawyer at that, and
(15) someone who has gotten perhaps more involved than you
(16) intended in this whole constellation of issues involving
(17) campaign finance laws, especially as it relates to foreign
(18) source money, I would just like to ask your personal views
(19) on potentially some changes in the law, in addition to
(20) eliminating soft money. I would like, as a constitutional
(21) lawyer, your view on the Buckley v. Vallejo decision and its
(22) impact on the political system.

(23) Mr. Becker. Well, my primary view with respect to
(24) Buckley and campaign finance laws deals with the subject
(25) matter of limiting the amount of money Federal candidates

(1) can spent.

(2) Now, as you know, Senator, in 1976, the Supreme Court
(3) of the United States ruled that that limitation, absent any
(4) Federal contribution, is a violation of the First Amendment.
(5) I think it is time for the Congress of the United States to
(6) give the Supreme Court the opportunity to rule on that
(7) question again. That was 21 years ago.

(8) When you look at Buckley v. Vallejo, you come to the
(9) stark realization that only one member of the court was
(10) present, that one member of the Buckley court is still on
(11) the bench. We have eight new members on the bench, and this
(12) Congress and other Congresses have very often addressed
(13) questions legislatively that the Supreme Court has declared
(14) unconstitutional. It did it a few years back following the
(15) Johnson v. Texas flag desecration decision in the Supreme
(16) Court. When the Supreme Court declared the statute
(17) unconstitutional, the Congress of the United States passed
(18) the same statute. It was a Texas statute that was declared
(19) unconstitutional.

(20) The Congress just passed the same statute, and the
(21) Supreme Court did it again, declared it unconstitutional.
(22) If you can do it in Johnson v. Texas in the next year, why
(23) can't you do it in Buckley v. Vallejo, 21 years later? My
(24) personal view is--and I don't like to speculate on how this
(25) justice or that justice will vote, but my personal view is

(1) that members of the Supreme Court, as President Kennedy used
(2) to say, read the newspaper, and my personal view is that
(3) members of the Supreme Court would--a majority of them would
(4) favorably consider reversing that portion of the Buckley
(5) decision with respect to the limitation on campaign
(6) expenditures by candidates.

(7) Senator Cleland. And if that decision could be
(8) reversed and the Congress could pass stiff campaign
(9) expenditure laws, then we could do without this incredible
(10) massive money chase, which has gotten out of control and
(11) undoing our system.

(12) In addition to eliminating soft money, do you have any
(13) other recommendations the Committee might consider, maybe
(14) lighter enforcement or maybe a strong role for the Federal
(15) Election Commission or free air time for Federal candidates?

(16) Mr. Becker. Well, I am in favor of a lot of those
(17) things, sir, but I think the crux of the problem is you must
(18) address soft money and you should give the Supreme Court of
(19) the United States the opportunity to revisit that
(20) expenditure limitation issue under the First Amendment. I
(21) think it is time, and I think that would be a wonderful,
(22) wonderful service to the Nation.

(23) Senator Cleland. And you have been a wonderful service
(24) to us, sir.

(25) I yield the rest of my time to Senator Levin.

(1) Senator Levin. Thank you, Mr. Chairman.

(2) Mr. Becker, if we could look at Exhibit 299, just for
(3) one moment.

(4) Mr. Becker. Senator, everybody says one moment.

(5) Senator Levin. I will give you two moments, then.

(6) Mr. Becker. It has been a long time.

(7) Senator Levin. This is the letter from the National
(8) Policy Forum to the bank dated October 13th--

(9) Mr. Becker. I have it.

(10) Senator Levin. --which was the date, by the way, that
(11) the money was available.

(12) Mr. Becker. Yes. This is the one with the October
(13) 20th--hold the money until October.

(14) Senator Levin. That is the intriguing thing, and that
(15) is what I want to point out here, and this is not you or
(16) your client.

(17) Mr. Becker. No.

(18) Senator Levin. But do you know what October 20th is?

(19) Mr. Becker. Your counsel has educated me on that
(20) score. Your counsel has told me it was a filing date to
(21) have something to do with the Federal Election Commission.

(22) Senator Levin. October 20th is the day after the
(23) deadline for disclosure. Now, here, you have got an RNC
(24) that is trying to elect all these folks, all these members
(25) and the candidates that they have out there for office.

(1) They are owed some money by the National Policy Forum. The
(2) National Policy Forum is told by the RNC, hold off on that
(3) money for a week. We want to talk about openness? Is
(4) anyone kidding? Openness? You want to get that money as
(5) quickly as possible, unless you do not want to disclose it.

(6) If they got it on the 13th from NPF, they would have to
(7) disclose it in their 20th report. If they got it on the
(8) 14th or 15th or 16th or 17th, 18th, 19th, they would have to
(9) disclose it, but they tell the NPF over at the RNC, hold it
(10) until October 20th. It is no coincidence that October 20th
(11) is the day after the deadline for contributions and payments
(12) of this kind to be disclosed before the election. There is
(13) no coincidence here, folks. We are all professionals at
(14) this. We are all knowledgeable about how the election laws
(15) work, and if there is anything here that I think is very
(16) clear, it is that this repayment was scheduled so it would
(17) not be disclosed until after the election.

(18) Now, that has nothing to do with your client or you.

(19) Mr. Becker. I am glad the record is clear on that. My
(20) clients never saw this letter, never wrote this letter,
(21) never received this letter.

(22) Senator Levin. All right. One question, finally, that
(23) I do want to ask you to clarify one thing that you talked
(24) about earlier, and that is the 1991 contributions. In your
(25) deposition, you said the following relative to Mr.

(1) Courtelis. Now, Mr. Courtelis was the person with whom your
(2) client was going to do some business.

(3) Mr. Becker. Purchase a shopping center.

(4) Senator Levin. Purchase a shopping center. That deal
(5) fell through, but Mr. Courtelis was also the head of the
(6) Team 100.

(7) Mr. Becker. That's correct.

(8) Senator Levin. And after the deal fell through and Mr.
(9) Courtelis knew it, there was then still money that had come
(10) from Hong Kong in the USA account; is that correct?

(11) Mr. Becker. The actual Team 100 commitment and payment
(12) occurs while the shopping center deal is still viable.

(13) Senator Levin. Oh, it is still viable.

(14) Mr. Becker. Yes.

(15) Senator Levin. Okay, but in any event, Mr. Courtelis
(16) is clearly aware that there had been no income earned by
(17) USA.

(18) Mr. Becker. Mr. Courtelis is aware that there is no
(19) entity, and that it's being created basically at his
(20) suggestion.

(21) Senator Levin. Right. And he is the head of Team 100,
(22) and he then, according to your deposition on page 18, I
(23) believe, says the following, or this is what you say. You
(24) had been told that Mr. Young had several meetings in
(25) conversations with Mr. Courtelis in Hong Kong telephonically

(1) with respect to the joining of Team 100. Mr. Young was
(2) agreeable to invest 100--it is interesting, by the way, you
(3) used the term "invest" again--invest \$100,000 of YBD (Hong

(4) Kong) money in Team 100, and it was--but that is not my
(5) question--and it was at Mr. Courtelis' suggestion to Mr.
(6) Young that the member of Team 100 not be YBD (Hong Kong),
(7) but rather the applicant member should be YBD (USA). Is
(8) that correct? That is your deposition.

(9) Mr. Becker. You understand, Senator, I am not there.
(10) I am simply repeating--

(11) Senator Levin. Repeating what your client--

(12) Mr. Becker. --what has been said to me, and I may have
(13) misspoke. I think Mr. Courtelis--I think Mr. Young said to
(14) me that Mr. Courtelis' advice that it not be Mr. Young as
(15) the Team 100 member, but that it be the U.S. corporation
(16) because Mr. Young never came to the U.S. with the kind of
(17) frequency that corresponded to the Team 100 functions.

(18) Senator Levin. At another part of your deposition, you
(19) indicate that Mr. Young made it clear to me that Mr.
(20) Courtelis knew that YBD (USA) had only recently been
(21) established and primarily for purposes of purchasing
(22) property owned by Mr. Courtelis, and that Mr. Courtelis knew
(23) that YBD (Hong Kong) was the parent and establishing party
(24) of YBD (USA) and that YBD (USA) was a pure subsidiary
(25) corporation of YBD (Hong Kong) and that Mr. Courtelis, with

(1) that knowledge--with that knowledge, you say, recommended
(2) that YBD (USA) be the member of Team 100. Is that correct?

(3) Mr. Becker. Yes, that is correct. That is--

(4) Senator Levin. So that Mr. Courtelis--you have no
(5) doubt--knew very clearly that the money that was in the
(6) Team--excuse me--the money that was in the YBD (USA) account
(7) had come from Hong Kong.

(8) Mr. Becker. There is no question about that, no
(9) question about that.

(10) Senator Levin. Yet, as head of Team 100, he, according
(11) to your conversation with your client, asked that that
(12) account's money be used to buy the Team 100 membership. Is
(13) that correct?

(14) Mr. Becker. That is correct, Senator, but if I may,
(15) Alex Courtelis is deceased, and Alex Courtelis is a
(16) gentleman who enjoyed a very, very fine reputation in Miami,
(17) and in Southern Florida.

(18) The one time I met with him at the closing, I was very
(19) impressed with him, and a man who was very, very much
(20) involved in his civics and his community.

(21) Mr. Courtelis, I don't believe would have intentionally
(22) done something in violation of the law.

(23) Senator Levin. He may not have known that it was
(24) illegal when he proposed it.

(25) Mr. Becker. That is what I would like this record to

(1) show.
 (2) Senator Levin. You would like to believe that.
 (3) Mr. Becker. Yes, sir.
 (4) Senator Levin. Recently, however, that money has been returned; is that correct?
 (5) Mr. Becker. Yes, yes.
 (6) Senator Levin. And was the reason given for its return?
 (7) Mr. Becker. The reason given was that-I gave Mr. Baron a copy of the letter, the cover letter that was sent to us by the RNC when it was returned.
 (8) Senator Levin. Other than that letter, was there any explanation given?
 (9) Mr. Becker. I don't remember the exact words in the letter, but-
 (10) Senator Levin. Other than that letter, was there any explanation?
 (11) Mr. Becker. No, no.
 (12) Senator Levin. Thank you.
 (13) Thank you, Mr. Chairman.
 (14) Chairman Thompson. Senator Bennett?
 (15) Senator Bennett. Thank you, Mr. Chairman.
 (16) Mr. Becker, the end is in sight. When you get to me, you are out.
 (17) Mr. Becker. Okay.

(1) Senator Bennett. One of the advantages of being last is that I get to review everything else that everybody else has said. I do not think I can add anything new, but let me just for my own sake run through what I think happened with respect to this and let you tell me if I am right or wrong as I go along.
 (2) Number one, Mr. Young has a long history of support for the Republican Party; is that correct?
 (3) Mr. Becker. Yes, sir.
 (4) Senator Bennett. Did he do it in a legal manner?
 (5) Mr. Becker. Yes, he did.
 (6) Senator Bennett. Number two, because of that support, I am assuming people come to him and say we have got a problem with the National Policy Forum, we are going to lobby you, to use your word, to help that forum by asking you to put up a loan guarantee. Is that correct?
 (7) Mr. Becker. In essence, yes, sir.
 (8) Senator Bennett. All right. Is that legal?
 (9) Mr. Becker. It was a commercial transaction.
 (10) Senator Bennett. All right.
 (11) Mr. Becker. It was absolutely legal, yes.
 (12) Senator Bennett. Okay. Now, being a responsible businessman and having sound counsel in the form of yourself, he performs due diligence, and the due diligence disclosed the following. Number one, the money would be

(1) used to pay debts of the NPF. Is that correct?
 (2) Mr. Becker. Yes, sir.
 (3) Senator Bennett. Specifically, one of the debts was that which the NPF owed to the RNC.
 (4) Mr. Becker. Correct.
 (5) Senator Bennett. Is that fully disclosed?
 (6) Mr. Becker. That's correct.
 (7) Senator Bennett. And it is fully legal?
 (8) Mr. Becker. In my view, it is fully legal.
 (9) Senator Bennett. Okay. Now, if the NPF-the NPF intends to pay the loan off by its own fund-raising efforts. Is that your understanding?
 (10) Mr. Becker. That is correct.
 (11) Senator Bennett. And those fund-raising efforts would be legal?
 (12) Mr. Becker. It certainly would.
 (13) Senator Bennett. So, if the NPF cannot perform, that is, if their fund-raising efforts do not work, you, your client wanted an additional guarantee?
 (14) Mr. Becker. That is correct.
 (15) Senator Bennett. It came in the form of a letter from Haley Barbour, and you have already testified you have never met Mr. Barbour; that he promises to ask the RNC to cover it.
 (16) Mr. Becker. In essence, that is what his letter says.

(1) yes, sir.
 (2) Senator Bennett. That is what his letter says, and that would be legal for him to do that?
 (3) Mr. Becker. I would assume so. You get into now those gray areas of the amount of involvement of the RNC with the National Policy Forum, but I would assume it would be.
 (4) Senator Bennett. All right. And you do not take too much nourishment from that until Dick Richards himself, a former chairman of the Republican National Committee, tells you that if Haley Barbour asks for it, Haley Barbour can get it?
 (5) Mr. Becker. That's Dick Richards' exact words.
 (6) Senator Bennett. Okay. And that becomes the final chunk of the due diligence that pushes you over the line from not doing it to doing it?
 (7) Mr. Becker. Well, it pushes Mr. Young.
 (8) Senator Bennett. Mr. Young over the line.
 (9) Mr. Becker. Yes.
 (10) Senator Bennett. Okay.
 (11) Mr. Becker. And Mr. Richards' comment, incidently, sir, is not only with respect to the RNC, but that Mr. Richards' comment is with respect to Mr. Barbour's hat-
 (12) Senator Bennett. Yes.
 (13) Mr. Becker. -as the chairman of the-
 (14) Senator Bennett. Right.

(1) Mr. Becker. -National Policy Forum. He can go out.
 (2) Senator Bennett. Right.
 (3) Mr. Becker. Mr. Barbour can go out and collect money.
 (4) Senator Bennett. So, based on Dick Richards' assurance that Haley Barbour will be able to raise the money and legal activity on the part of NPF, and that if he cannot as chairman of the RNC, he will be able to get money from the RNC to make you whole, the deal is now done?
 (5) Mr. Becker. That's correct.
 (6) Senator Bennett. All right. Now, it turns out the NPF cannot perform, for whatever reason, and we can probe that at a later time if we want to. The NPF is unable to raise the funds that they thought they could raise. Did you ever have any doubt in your mind that they thought they could raise these funds?
 (7) Mr. Becker. I have some doubts in my mind as to whether or not I was given accurate-bona fide accurate information when I was shown projections. Now I do because I believe the Federal Election Commission records reflect that almost immediately, after the loans were secured by the NPF and paid back to the RNC, the NPF began to receive money from the RNC and not money from its pledges.
 (8) Senator Bennett. Not money from fund-raising.
 (9) Mr. Becker. That's what the records seem to reflect.
 (10) Senator Bennett. Okay, but whatever, the NPF cannot

(1) perform, and as night follows day, the guarantee was called by the bank?
 (2) Mr. Becker. That is correct.
 (3) Senator Bennett. So you then say okay, we have got this fall-back position. Haley Barbour said he would ask the RNC for the money, and Dick Richards as your agent starts leaning on Mr. Barbour to do that?
 (4) Mr. Becker. That is correct.
 (5) Senator Bennett. All of this is still legal?
 (6) Mr. Becker. It certainly is.
 (7) Senator Bennett. Okay. Haley Barbour finally asks the RNC for the money to cover it and is turned down. Is that correct?
 (8) Mr. Becker. It is tabled. It is tabled. The request is tabled. That is correct, sir.
 (9) Senator Bennett. Yes, okay. So he asks, and so he is turned down. So then Dick Richards tries to turn up the heat on Haley in terms of letters to him, appeals to him, what have you?
 (10) Mr. Becker. I think that is exactly what Dick was trying to do, yes.
 (11) Senator Bennett. Okay.
 (12) Mr. Becker. Talking to him, chairman to chairman, in that fashion, yes.
 (13) Senator Bennett. And ultimately, a settlement is

(1) reached whereby you are partially made whole, to the tune of
(2) \$800,000 is what you received from a variety of sources?
(3) Mr. Becker. That is correct, sir.
(4) Senator Bennett. And your loss then is \$700,000?
(5) Mr. Becker. That is correct.
(6) Senator Bennett. And your--
(7) Mr. Becker. My client's loss. My client's loss.
(8) Senator Bennett. Your client's loss, yes.
(9) And your willingness to accept this settlement is
(10) partially because you believe that the assurance you
(11) received from Mr. Barbour could not be enforced in the
(12) courts?
(13) Mr. Becker. Well, I believe that it is certainly gray
(14) and maybe a 50/50 question, and then there is the cost of
(15) litigation and the delay, and you have 800,000 on the table.
(16) There is a whole battery of considerations to go on.
(17) Senator Bennett. Yes. I have settled deals myself.
(18) Mr. Becker. Right.
(19) Senator Bennett. And I am sure this was not a
(20) satisfactory settlement.
(21) Mr. Becker. Right.
(22) Senator Bennett. I would not want to be the Republican
(23) fund-raiser who would now call Mr. Young and ask for some
(24) more money, having gone through this experience. I think
(25) this probably has soured him a bit.

(1) Mr. Becker. Right.
(2) Senator Bennett. That, what I have just outlined, is a
(3) correct chronology of the circumstances?
(4) Mr. Becker. Yes. I don't have any quarrel with your
(5) chronology. There are other items in there that I might
(6) include in mine if I were preparing the chronology, but I
(7) don't quarrel with yours.
(8) Senator Bennett. My point is it was legal at every
(9) step of the road.
(10) Mr. Becker. Yes, sir. Yes, sir.
(11) Senator Bennett. Fine. Thank you, Mr. Chairman.
(12) Senator Glenn. Mr. Chairman, I have a few minutes
(13) left. I would like to allocate them to Mr. Baron, with one
(14) minute to Senator Lieberman first.
(15) Senator Lieberman. Thanks, Mr. Chairman.
(16) Very briefly, Mr. Becker, thanks. I want to go to a
(17) part of the record that has to do with your reference to the
(18) YBD-NPF relationship as a commercial transaction and as an
(19) investment. And if I may, I am keeping my own list of what
(20) we learn in these hearings, and I am keeping a list of
(21) contestants for what I would call the chutzpah award.
(22) Up until now--I am not referring to you personally. It
(23) is facts that come out. Up until now, I think the lead has
(24) been the nuns who took the vow of poverty and gave \$5,000 to
(25) the campaign.

(1) Today, there is a little fact here that I just want to
(2) bring out. Here YBD puts up \$2.1 million of its own money
(3) to give collateral so that the money can come out of the
(4) NPF. Haley Barbour then starts to try to ask YBD to forgive
(5) this amount of money even though it has put it in. There is
(6) an ultimate settlement made where the agreement is that you
(7) get \$800,000 back, and therefore, you are asked to eat the
(8) rest of it, basically. That is a very significant loss.
(9) Mr. Becker. About \$700,000.
(10) Senator Lieberman. Right, 700. But what came out at
(11) me from your deposition is that at about the same time, in
(12) the fall of 1996, the bank, Signet Bank, where you have had
(13) these CDs in these enormous amounts, sends you an interest
(14) payment of about \$50,000, copies it to the NPF, and they
(15) then deduct that amount of money from the \$800,000
(16) settlement that they were going to give you. I would call
(17) that chutzpah.
(18) How does that affect you in your evaluation of this as
(19) a commercial transaction and investment?
(20) Mr. Becker. I don't think in jurisprudence or in Latin
(21) there is a better word for it.
(22) [Laughter.]
(23) Mr. Becker. I think you've got the right word,
(24) Senator.
(25) Senator Lieberman. Did Mr. Young have a reaction to

(1) that?
(2) Mr. Becker. He did. He did. I don't think Mr. Young
(3) knows the word "chutzpah."
(4) Senator Lieberman. No.
(5) [Laughter.]
(6) Mr. Becker. But he had a reaction.
(7) Senator Lieberman. It has achieved broad usage in the
(8) U.S., but not doing so well so far in Asia. But he was not
(9) happy. I take it.
(10) Mr. Becker. No.
(11) Senator Lieberman. He was very unhappy.
(12) Mr. Becker. Yes.
(13) Senator Lieberman. Okay. Thanks, Mr. Becker.
(14) Chairman Thompson. Senator Akaka?
(15) Senator Akaka. Mr. Chairman, thank you very much. I
(16) am going to yield the rest of my time to Mr. Glenn, but I am
(17) curious about one thing.
(18) You received a letter from Mr. Barbour dated 8/30/94,
(19) and I will just quote from it, and a sentence in that letter
(20) says, "I am confident the RNC would grant me such authority
(21) at its next meeting, provided there is valid outstanding
(22) debt of NPF to a U.S. bank, guaranteed by a U.S. citizen or
(23) domestic corporation." I also note the very careful use of
(24) domestic corporation at the beginning and here at the end of
(25) the letter.

(1) In your opinion, at this time, did Haley Barbour know
(2) that the money for the guarantee would come from Hong Kong?
(3) Mr. Becker. I think, Senator, that I would answer that
(4) question by saying I, again, have never had--didn't have any
(5) conversations with Mr. Barbour at that time, but I will say
(6) this to you: that letter is written to me by Mr. Barbour
(7) following the dinner that Mr. Young and Mr. Barbour and Mr.
(8) Richards and Mr. Volcansek attended, and Mr. Young recalls
(9) that that specific information was communicated at that
(10) dinner. So--and I believe Mr. Young testified to that as
(11) well, sir. So I think the answer to your question would be
(12) yes.
(13) Senator Akaka. Thank you very much. I will yield my
(14) time to Senator Glenn.
(15) Senator Glenn. We are on a vote, I note, Mr. Chairman,
(16) and I know we are going to have to go very shortly here. I
(17) think Mr. Baron can wrap this up, though, as far as our part
(18) goes, with Mr. Becker in just a few minutes here.
(19) Mr. Baron. Thank you, Senator Glenn. I just wanted to
(20) address certain basic themes which I think have come out of
(21) Mr. Becker's testimony today.
(22) First of all, one of the issues is when was Mr. Barbour
(23) advised that this transaction was funded by money that
(24) originated in Hong Kong. It seems to me that the testimony
(25) today has established at least three instances. The first,

(1) the earliest reference is the dinner that takes place in
(2) Washington, D.C., in August of 1994. At page 35 of the
(3) deposition that was taken of Mr. Young in London. He is
(4) asked, "Can you describe what was the discussion at the
(5) dinner?" He said, "The discussion basically was Mr. Haley
(6) Barbour requested me to consider for the loan of \$3.5
(7) million and assured me of the safe return of the loan. But
(8) as a result of that, I could not commit nor have the power
(9) to commit, but requested him to give us more information so
(10) that we can present it to YBD (Hong Kong) board of directors
(11) for further consideration."
(12) The second reference is Mr. Becker's testimony, while
(13) he doesn't have a distinct recollection of discussing it
(14) with Mr. Norcross, he believes in general that it is likely
(15) that he did have such a discussion with Mr. Norcross.
(16) And the third is Ambrous Young's statement that in the
(17) summer of 1995, when Mr. Barbour visited him at the company
(18) yacht in Hong Kong and asked for forgiveness, Mr. Ambrous
(19) Young made it clear that he could not do that for--among
(20) many other reasons, that it was Hong Kong money which was
(21) subject to audit by the Hong Kong authorities.
(22) The second theme that I think has come out of Mr.--
(23) Mr. Becker. Mr. Baron, you might add Mr. Richards'
(24) letter of September of '96 to Mr. Barbour I think
(25) specifically communicates that information.

(1) Mr. Baron. That the money was from Hong Kong.
 (2) Mr. Becker. Yes, sir.
 (3) Mr. Baron. A second theme was whether this was foreign
 (4) money, and clearly, the money originated in Hong Kong,
 (5) although YBD (USA), while it had certainly a legal existence
 (6) and attempted to consummate certain transactions, it
 (7) certainly did not have on its own the funds to cover this
 (8) loan. And it might be worth comparing with the Hip Hing
 (9) entity, which Mr. Becker is not familiar with, but we have
 (10) been—we examined the transactions through Hip Hing,
 (11) although it, too, did not have much in the way of income, it
 (12) at least owned an asset worth several million dollars, which
 (13) I take was not the case of YBD (USA).
 (14) Mr. Becker. That's correct.
 (15) Mr. Baron. And, third, what was the ultimate purpose
 (16) of these funds? In the documents we have seen, it was
 (17) intended to support Republican efforts in the 1994
 (18) elections. We have seen specific reference in the letter
 (19) dated September the 9th, 1994, in which there is a reference
 (20) that the money is urgently needed and directly related to
 (21) the November election.
 (22) And, finally, what was the relationship between the
 (23) National Policy Forum and the RNC, that is, was the National
 (24) Policy Forum simply a 501(c)(4) think tank? It seems to me
 (25) the evidence is no, given the fact that the IRS turned down

(1) their pending application for that status and in light of
 (2) Mr. Baroody's memorandum when he resigned from the entity
 (3) around the time that this loan was being negotiated. I
 (4) submit that what the evidence has shown in the final
 (5) analysis was the knowing solicitation and obtaining of
 (6) foreign money for the 1994 elections, which was passed
 (7) through the National Policy Forum, which in itself was
 (8) little more than a division of the RNC.
 (9) Thank you, Senator Glenn.
 (10) Senator Glenn. Thank you.
 (11) Chairman Thompson. Well, I guess that answers all the
 (12) questions.
 (13) [Laughter.]
 (14) Chairman Thompson. Does anybody else have anything?
 (15) [No response.]
 (16) Chairman Thompson. Thank you, Mr. Becker, very much
 (17) for being here with us. You are excused, and we will
 (18) adjourn to vote and come back as soon as we can.
 (19) [Recess.]

(1) Chairman Thompson. Let's come to order, please.
 (2) Welcome, Mr. Baroody.
 (3) Mr. Baroody. Thank you, Mr. Chairman.
 (4) Chairman Thompson. The next witness is Mr. Michael
 (5) Baroody. Would you please stand and raise your right hand,
 (6) please? Do you solemnly swear that the testimony you are
 (7) about to give will be the truth, the whole truth, and
 (8) nothing but the truth, so help you God?
 (9) Mr. Baroody. I do.
 (10) Chairman Thompson. Thank you.
 (11) I will reserve my opening time, Senator Glenn, and
 (12) defer to you.
 (13) Senator Glenn. I have no statement. I understand Mr.
 (14) Baroody has a statement he would like to deliver, and that
 (15) is fine with us.
 (16) Chairman Thompson. Mr. Baroody?

(1) TESTIMONY OF MICHAEL E. BAROODY, FORMER PRESIDENT,
 (2) NATIONAL POLICY FORUM, ACCOMPANIED BY GEORGE
 (3) SALEM, ESQ., AKIN, GUMP, STRAUSS, HAUER & FELD,
 (4) L.L.P., WASHINGTON, D.C.
 (5) Mr. Baroody. Thank you. My name is Michael Elias
 (6) Baroody.
 (7) Chairman Thompson, Senator Glenn, members of the
 (8) Committee, for 13 months I was president of the National
 (9) Policy Forum. I became its first president on the 1st of
 (10) July 1993, and the 1st of August 1994 was the effective ate
 (11) of my resignation.
 (12) I appreciate the opportunity to make this brief opening
 (13) statement. I am accompanied by counsel, Mr. George Salem of
 (14) Akin, Gump, Strauss, Hauer & Feld. Co-counsel Mr. Ben
 (15) Cotten is unavoidably absent today. I have essentially
 (16) three points to make after a preface about NPF's name and
 (17) mission.
 (18) The National Policy Forum was to be a Republican Center
 (19) for the Exchange of Ideas. As I used to say routinely at
 (20) the start of our forums, that was decidedly and
 (21) intentionally not the same as a center for the Republican
 (22) exchange of ideas—meaning NPF was to be open to all and set
 (23) out to hear from all, regardless of party.
 (24) My three points are these:
 (25) First, it is by now well-known—in the common parlance

(1) of this Committee, perhaps it is old news—that NPF's
 (2) chairman and I disagreed about the appropriate funding and
 (3) operation of the NPF and that, to me, our disagreements were
 (4) significant, so much so that when I found I could not
 (5) prevail, I felt compelled to resign. Going to NPF, and
 (6) leaving it, were not easy decisions. But as followers of
 (7) these proceedings also know, our disagreements accumulated
 (8) to what I titled "Some Reasons for Resignation" in a memo I
 (9) wrote to be confidential, and always kept so.
 (10) It does not in any way minimize the importance of those
 (11) disagreements to say that they do not rise to the same
 (12) significance as do other matters before this Committee, for
 (13) example, whether a foreign government planned to interfere
 (14) in American politics or whether the national security of the
 (15) United States of America was compromised in the last
 (16) election.
 (17) Second, the disagreements between the chairman and me
 (18) were many, but they boil down to two I think especially
 (19) relevant to this Committee's inquiry: one, I thought using
 (20) foreign money to fund NPF would be wrong; and, two, I
 (21) thought the lines between NPF and RNC were not sharply
 (22) enough drawn and made separation between the two seem a
 (23) fiction, though separation was required by our application
 (24) for tax-exempt status.
 (25) On the first point, Mr. Chairman, I believe my exact

(1) words to NPF's chairman upon first hearing from him the
 (2) foreign funding idea were these: "We could get the money,
 (3) [all right]; that would be easy. But it would be wrong."
 (4) I did not mean with that allusion that it would be
 (5) illegal.
 (6) If I had meant illegal, I would have said, and later
 (7) written, "illegal."
 (8) But I understood at the time, and was later reassured
 (9) by counsel, that an entity organized under section 501(c)(4)
 (10) of the Federal Tax Code was legally permitted to receive
 (11) foreign contributions.
 (12) I said it "would be wrong," meaning not right, inappro-
 (13) priate, unseemly, and imprudent, because I did not think an
 (14) organization so inherently involved in American money—
 (15) excuse me, so inherently involved in American political
 (16) public policy processes should be funded with other than
 (17) American money.
 (18) I also believed that foreign funding would inevitably
 (19) become public and controversial, as, in fact, it has, and
 (20) that such controversy would draw attention away from—and
 (21) cast doubts on the legitimacy of—what I hoped would be a
 (22) substantial contribution by the NPF to American political
 (23) discourse and to a reasserted primacy of the Republican
 (24) Party as the "party of ideas."
 (25) As to the second point of disagreement, the "fiction of

(1) separation" between the RNC and the NPF, this too was
(2) troubling. I came to believe that the NPF was being
(3) operated in a way that risked denial of its (c)(4)
(4) application by the IRS, as eventually occurred. Again, I
(5) did not think we were acting illegally; I did think we were
(6) putting the (c)(4) application in jeopardy. I had this
(7) concern essentially for two reasons:

(8) First, the advice of counsel, who had analogized NPF
(9) and its application for tax-exempt status to a rowboat.
(10) Every questionable action taken by NPF, she said, was like
(11) throwing a pebble in the boat and too many pebbles would
(12) sink the NPF, or at least since its (c)(4) application.
(13) In this view, the risk came not just if we crossed
(14) certain legal bright lines and operated NPF in clearly
(15) prohibited ways. Certainly, that would have jeopardized the
(16) application, but it didn't happen while I was there. The
(17) NPF simply did not engage in electioneering or campaigns or
(18) campaign fund-raising.

(19) Rather, counsel's stronger caution was against NPF too
(20) often even approaching that legal bright line. The repeated
(21) exercise of questionable judgment, she warned, the
(22) accumulation of too many such misjudgments--the piling up,
(23) if you will, of "pebbles in the boat"--could itself be
(24) sufficient to sink the application.

(25) So, first, there was the advice of counsel.

(1) Second, there was the experience of my father. Some of
(2) you will know that he built, and for decades ran, the
(3) American Enterprise Institute. Parenthetically, some of you
(4) will also know that he was a great man.
(5) I know that in 1964 he took a leave of absence from AEI
(6) so his involvement in the Presidential campaign of Barry
(7) Goldwater, my first campaign, would not improperly entangle
(8) AEI, itself a tax-exempt organization, in campaign-related
(9) activities clearly precluded to it.

(10) After that election and his return to AEI, as I recall
(11) his telling it, the IRS and a committee of Congress spent
(12) much time examining AEI's tax-exempt status because of my
(13) father's campaign involvement.

(14) I formed an opinion in those days which I took with me
(15) to the National Policy Forum 30 years later; namely, that
(16) AEI's status was called into question not because my father
(17) had done anything wrong--he hadn't--but because Lyndon
(18) Johnson controlled the IRS.

(19) In 1993 and 1994, I had no reason to doubt profes-
(20) sionalism at the IRS, but I was mindful that the
(21) administration was controlled by the other party, as were
(22) then all committees of the Congress. Accordingly, I thought
(23) prudence dictated that we at NPF act like close personal
(24) friends of Caesar's wife--that is, NPF had to be
(25) unassailable pure and, of course, unambiguously separate

(1) from the RNC.
(2) On these and on a number of specifics, my perspective
(3) differed from that of the NPF chairman. I still believe
(4) mine was right. But I stress to this Committee that our
(5) disagreements were over prudential judgments rather than
(6) matters of law.

(7) I believe that subsequent events have borne out my
(8) judgments and shown his to be imprudent in ways that had
(9) predictable consequences. To take only one regrettable
(10) example, this very inquiry, Mr. Chairman, would be
(11) exclusively an exploration of allegations by abuse of only
(12) one party, instead of both, had decisions been made
(13) differently at the NPF.

(14) In summary of my first two points, I state the
(15) following: The NPF, which took no foreign money while I was
(16) there, could have--legally; and the notion that it operated
(17) as a money laundry for the party is laughable in face of the
(18) fact that on the day I arrived, it already had \$130,000 in
(19) debts and obligations and its status with the RNC was never
(20) other than debtor status; and, from being a "front" for the
(21) RNC, the NPF was what we said it was, a grassroots policy
(22) development effort that traveled to 60 cities around the
(23) country and heard from thousands of Americans from all walks
(24) of life. It was open. It was serious. And it was real.

(25) My third point follows from that--and I will not

(1) belabor it--but I do wish for the record of these
(2) proceedings to show, in fairness to people around the
(3) country who participated in our forums, that many of us who
(4) set out to "Listen to America" strained hard to understand
(5) what we heard. I have attached my own chapter from our
(6) summary report, and I ask, Mr. Chairman, that it be included
(7) in the record of this hearing at the conclusion of these
(8) remarks.

(9) Chairman Thompson. It will be included in the record
(10) without objection.

(11) Mr. Baroody. Thank you, sir.

(12) In brief summary of that summary, I offer just the
(13) following three observations:

(14) In that time, we encountered anger, suspicion, and
(15) distrust toward politics and government that was widespread
(16) among the electorate. But we also encountered many people
(17) who nonetheless suspended their disbelief long enough to
(18) tell us what they thought and hope it might make a
(19) difference--in the apparent further hope that NPF itself was
(20) a signal that politics could be serious and get real about
(21) understanding the problems Americans experience as the real
(22) problems of real life.

(23) Also, we found example after uplifting example of
(24) people who insisted that even if government wasn't the
(25) answer, answers could be found--people who were finding such

(1) answers through effective local solutions in their own
(2) communities.

(3) Finally, at virtually every step and every town we went
(4) to, we found confirmed the working hypothesis we set out
(5) with--namely, though this fact is frequently obscured by
(6) political "correctness" and the weight of the nightly
(7) news, we who listened carefully to America found it
(8) nonetheless enduringly true that America is a good country,
(9) with good people in it."

(10) Mr. Chairman, I understand the Committee may not have
(11) some questions for me.

(12) [The prepared statement of Mr. Baroody follows.]

(1) Chairman Thompson. Thank you, Mr. Baroody.
(2) I will reserve my time, Senator Glenn, and defer to
(3) you.

(4) Senator Glenn. I yield time to Alan Baron, our
(5) counsel.

(6) Chairman Thompson. Mr. Baron?
(7) Mr. Baron. Thank you, Mr. Chairman. Thank you,
(8) Senator Glenn.

(9) Good afternoon, Mr. Baroody.

(10) Mr. Baroody. Good afternoon.

(11) Mr. Baron. And thank you for your patience in sitting
(12) all day waiting for us to get to you.

(13) I understand that you have commitments tomorrow
(14) afternoon, so I think it prudent that we begin the
(15) questioning with you tonight.

(16) First, could you give us a short description of your
(17) background with particular emphasis on your involvement in
(18) Republican politics over the last years.

(19) Mr. Baroody. Certainly. As I alluded in my statement,
(20) that involvement began when I was 17 and worked after school
(21) every year in my senior year of high school at the Goldwater
(22) for President campaign. It is also the year in which I
(23) first drew a paycheck from the Republican National
(24) Committee. Those were the days when, after the convention,
(25) a Presidential campaign moved over to its party committee.

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(1) So I worked for the Republican National Committee then.
 (2) After college, in the Navy, I resumed work for
 (3) Republicans, if you will, working here for Senator Roman
 (4) Hruska of Nebraska, from there going to the Republican
 (5) National Committee during the chairmanship of Senator Bob
 (6) Dole.

(7) I returned to the Republican National Committee and
 (8) served there during virtually the entire chairmanship of
 (9) Chairman Bill Brock in the latter seventies, served in the
 (10) Reagan administration during its full 8 years on the White
 (11) House staff, and then as Assistant Secretary of Policy at
 (12) the Labor Department, stayed a year into the Bush
 (13) administration, from there went to the private sector in the
 (14) National Association of Manufacturers.

(15) Mr. Baron. And you have worked on various campaigns on
 (16) behalf of Republican candidates, including the Ford-Dole
 (17) Presidential campaign in 1976, the 1992 Bush Presidential
 (18) campaign, and the 1996 Dole-Kemp Presidential campaign, did
 (19) you not?

(20) Mr. Baroody. Most of those in voluntary capacities,
 (21) except for the Ford-Dole campaign in '76.

(22) Mr. Baron. Now, you first learned about the National
 (23) Policy Forum before it was actually formed; am I correct?

(24) Mr. Baroody. I first learned about the idea—I guess
 (25) it became public when Mr. Barbour was elected chairman of

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(1) the Republican National Committee and talked about the
 (2) formation of such a group. I had—so the answer is yes.

(3) Mr. Baron. And am I correct that you were first told
 (4) about the plans to found the NPF by Mr. Barbour and a
 (5) gentleman named Donald Fierce; is that correct?

(6) Mr. Baroody. That's correct.

(7) Mr. Baron. And you were asked in these initial
 (8) discussions with Mr. Barbour and Mr. Fierce to serve as the
 (9) first president of the NPF; am I correct?

(10) Mr. Baroody. When you say initial, fairly early in the
 (11) conversations, yes.

(12) Mr. Baron. And I believe in a memorandum which we will
 (13) get to, at the time of your resignation, which is Exhibit
 (14) 273—and we will probably be referring to it several times,
 (15) I believe you stated that you thought NPF would listen to
 (16) America and developing policy on the basis of what we heard
 (17) and what members of NPF's policy councils thought." Do you
 (18) recall that in your memorandum?

(19) Mr. Baroody. I do. Yes.

(20) Mr. Baron. Could we have slide 259A, please?

(21) Am I correct, sir, that on June 10, 1993, Mr. Barbour
 (22) announced to an RNC Team 100 member that the RNC was
 (23) "creating the National Policy Forum as an issue development
 (24) subsidiary"? Does that reflect your understanding?

(25) Mr. Baroody. I have heard that. That was prior to my

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(1) arrival at NPF I don't know it independently.

(2) Mr. Baron. By the way, I mentioned the name Don
 (3) Fierce. Who is Mr. Fierce? Can you identify him for us?

(4) Mr. Baroody. Well, he served at the Republican
 (5) National Committee after the election of Mr. Barbour as
 (6) chairman in an advisory capacity to the chairman. I believe
 (7) his title was counselor, though I'm not sure of that.

(8) Mr. Baron. Now, could we have Slides 273A and 273B and
 (9) poster board 3?

(10) Am I correct, sir—and these relate to your memorandum
 (11) of resignation. Is it correct that you understood at the
 (12) outset that the National Policy Forum would be an
 (13) organization separate from the RNC?

(14) Mr. Baroody. That is correct.

(15) Mr. Baron. And that this was true although the RNC and
 (16) the National Policy Forum would both be chaired by Mr.
 (17) Barbour, he would hold both roles, wear both hats, so to
 (18) speak?

(19) Mr. Baroody. That is also correct, yes.

(20) Mr. Baron. They would still operate distinctly.

(21) Mr. Baroody. That is correct.

(22) Mr. Baron. And this was something that Mr. Barbour
 (23) indicated to you?

(24) Mr. Baroody. Yes.

(25) Mr. Baron. And Mr. Fierce indicated this to you, also?

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(1) Mr. Baroody. I don't remember a specific conversation,
 (2) but I'm sure he did, yes.

(3) Mr. Baron. And is it also true that you believed they
 (4) would be separate organizations because a deliberate
 (5) decision had been made to organize the NPF under section
 (6) 501(c)(4) of the Federal Tax Code?

(7) Mr. Baroody. As you know, Mr. Baron, I've written
 (8) that. Yes, it is true.

(9) Mr. Baron. Right. And, indeed, you understood that
 (10) 501(c)(4) of the Tax Code requires separate operation?

(11) Mr. Baroody. I did.

(12) Mr. Baron. Okay. And, indeed, in materials that you
 (13) signed off on that were sent in to the Internal Revenue Code
 (14) as part of the application for 501(c)(4) status for the
 (15) National Policy Forum, you represented that the National
 (16) Policy Forum was not affiliated—or an unaffiliated part of
 (17) the Republican Party?

(18) Mr. Baroody. That is correct.

(19) Mr. Baron. Now, in your deposition, do you recall that
 (20) you then recalled at least one conversation with Mr. Barbour
 (21) before the NPF was founded in late May or early June of 1993
 (22) relative to the possibility of the NPF raising money from
 (23) foreign sources?

(24) Mr. Baroody. Yes.

(25) Mr. Baron. And you knew that the RNC, Republican

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(1) National Committee, could not accept, legally accept
 (2) contributions from a foreign source. Was that your
 (3) understanding?

(4) Mr. Baroody. Yes.

(5) Mr. Baron. And you believed that the legal answer to
 (6) whether the NPF could accept foreign contribution was
 (7) different, it was a different type of entity?

(8) Mr. Baroody. Yes.

(9) Mr. Baron. All right. Now—that was because it was
 (10) supposed to be a 501(c)(4) entity that did not engage in
 (11) what might be characterized as partisan political activity.

(12) Mr. Baroody. That's correct.

(13) Mr. Baron. Now, do you recall that Mr. Barbour at this
 (14) early time told you that he believed that foreign-raising
 (15) money from foreign sources might be a promising source of
 (16) revenue for the National Policy Forum?

(17) Mr. Baroody. Yes, sir.

(18) Mr. Baron. And am I correct that your reaction to that
 (19) was that might be true but you felt that it was wrong?

(20) Mr. Baroody. As I said in my statement, yes.

(21) Mr. Baron. Right. And you defined wrong not
 (22) necessarily legally wrong, but that you thought it was
 (23) inappropriate?

(24) Mr. Baroody. Correct.

(25) Mr. Baron. And, indeed, I think you elaborated at one

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(1) point in your deposition as saying it was—that part of the
 (2) reason it was inappropriate was that you didn't think it was
 (3) right for what essentially was an American think tank on
 (4) political issues affecting this country to be raising money
 (5) from foreign sources?

(6) Mr. Baroody. Because of the nature of NPF, as I
 (7) characterized it in my statement, yes, I thought it would
 (8) not be appropriate.

(9) Mr. Baron. And is it true that Mr. Lee Brown, who was
 (10) the NPF's finance chair, agreed with you that it would be
 (11) inappropriate for NPF to raise—

(12) Mr. Baroody. I recall a conversation we had about the
 (13) subject, and I recall that we agreed.

(14) Mr. Baron. Is it also true that Mr. Bill Brock, who
 (15) you alluded to earlier, who was also an NPF board member,
 (16) agreed with you it would be inappropriate for the National
 (17) Policy Forum to raise money from foreign sources?

(18) Mr. Baroody. Yes.

(19) Mr. Baron. And you communicated these feelings of your
 (20) own to Mr. Barbour?

(21) Mr. Baroody. I did in the conversation I alluded to,
 (22) yes.

(23) Mr. Baron. Now, I want to talk about the financial
 (24) relationship between the National Policy Forum and the RNC.
 (25) Am I correct that the National Policy Forum was founded with

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(1) what might be called seed money--and the number that sticks
(2) in my head is \$100,000--from the RNC; is that correct?
(3) Mr. Baroody. We announced that, Haley Barbour and I,
(4) in June at the time we announced the formation of the NPF,
(5) yes.
(6) Mr. Baron. And that was structured as a loan; is that
(7) correct?
(8) Mr. Baroody. That is correct.
(9) Mr. Baron. And the anticipation was that the National
(10) Policy Forum would raise money from contributors to repay
(11) the loan from the RNC; is that correct?
(12) Mr. Baroody. Yes.
(13) Mr. Baron. And subsequent to the initial seed money,
(14) the \$100,000 seed money, the RNC borrowed additional monies
(15) from--I'm sorry, the RNC loaned additional monies to the
(16) NPF?
(17) Mr. Baroody. That is correct.
(18) Mr. Baron. Okay. In fact, from May of 1993 through
(19) the end of 1993, the RNC extended some \$460,000 in loans to
(20) the National Policy Forum; is that correct?
(21) Mr. Baroody. Yes, but my recollection is that the net
(22) indebtedness at the end of the year was less than that.
(23) Mr. Baron. Indeed, you're right. The NPF repaid some
(24) of the loan so that by the end of 1993, our review of the
(25) numbers indicates the net indebtedness at the end of the

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(1) year was about \$260,000.
(2) Mr. Baroody. That is my recollection as well.
(3) Mr. Baron. Could I get poster board 12, please?
(4) These relate to 1994 transfers of funds from the
(5) National--to the National Policy Forum from the RNC.
(6) Am I correct that as 1994 progressed, the amount and
(7) the frequency of the National Policy Forum's loans from the
(8) RNC increased? And perhaps it is really demonstrated right
(9) there.
(10) [No response.]
(11) Mr. Baron. Am I not correct that by the middle of
(12) 1994, the \$260,000 that was owed at the end of 1993 had
(13) increased to almost \$2 million?
(14) Mr. Baroody. That's consistent with my own
(15) recollection, yes.
(16) Mr. Baron. Were steps taken on your part at that point
(17) to keep expenses down until revenues could be increased?
(18) Mr. Baroody. That was difficult, more difficult to do
(19) in the period you're looking at now, the first half of 1994
(20) than in '93. The pace of activity picked up considerable.
(21) There were perhaps other reasons as well why that was the
(22) case. And there continued to be an expectation that
(23) contributions would be received.
(24) Mr. Baron. As I understand it, consistent with what
(25) you've just testified, the staff at NPF at the end of 1993

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(1) was about 20 people, but then once you were into an election
(2) year, 1994, the staff ballooned to over 50?
(3) Mr. Baroody. Well, it's only--you've characterized it
(4) as into an election year. We were into a very active phase
(5) for the National Policy Forum's listening efforts.
(6) Mr. Baron. And as I recall you attributed this
(7) increase to the arrival of a chief operating officer whom
(8) Mr. Barbour had selected? I believe you used the word "hand
(9) picked."
(10) Mr. Baroody. That's correct.
(11) Mr. Baron. And who was that?
(12) Mr. Baroody. That was Daniel Denning.
(13) Mr. Baron. And is it fair to say that you were
(14) uncomfortable with the fact that the NPF was so indebted to
(15) the RNC?
(16) Mr. Baroody. I don't know anyone who was comfortable
(17) with it. Yes, it's fair to say that.
(18) Mr. Baron. Were you concerned that the extent of the
(19) indebtedness might reflect on the 501(c)(4) status that you
(20) were seeking to obtain for the National Policy Forum?
(21) Mr. Baroody. Yes, I'm sure that that was on my mind at
(22) the time.
(23) Mr. Baron. Now, I think you've testified that Mr.
(24) Denning was selected by Mr. Barbour. After he was hired in
(25) early 1994, did you have discussions with him about the

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(1) possibility that the National Policy Forum would solicit
(2) foreign contributions?
(3) Mr. Baroody. I recall that we had at least one
(4) conversation about the subject.
(5) Mr. Baron. And do you recall in that conversation that
(6) Mr. Denning said to you that he'd been asked by Mr. Barbour
(7) to explore the possibility of foreign sources of funding for
(8) the National Policy Forum?
(9) Mr. Baroody. Something like that, yes.
(10) Mr. Baron. Or words to that effect.
(11) Mr. Baroody. Yes.
(12) Mr. Baron. Okay. And I take it that was inconsistent
(13) with your own views about the propriety of raising foreign
(14) money for the National Policy Forum.
(15) Mr. Baroody. Clearly it was, and I said so to Mr.
(16) Denning.
(17) Mr. Baron. Your views had not changed on that subject?
(18) Mr. Baroody. Not at all.
(19) Mr. Baron. Okay. Now, you were president of the
(20) National Policy Forum until July of 1994; is that correct?
(21) Mr. Baroody. August 1st, actually.
(22) Mr. Baron. Okay. Through July.
(23) Mr. Baroody. Yes.
(24) Mr. Baron. Okay. And at your deposition, you were
(25) asked did you know a man named Fred Volcansek, and I believe

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(1) your testimony was you'd never heard of him.
(2) Mr. Baroody. Not until recent press accounts and other
(3) things attendant to this process brought his name to my
(4) attention.
(5) Mr. Baron. By recent, you mean within the last few
(6) months?
(7) Mr. Baroody. Yes.
(8) Mr. Baron. Okay. So then, I take it, it's safe to
(9) assume you didn't know that prior to April of 1994 Mr.
(10) Volcansek had been asked to engage in fund-raising on behalf
(11) of the National Policy Forum?
(12) Mr. Baroody. You are correct. I did not know that.
(13) Mr. Baron. Were you aware that in the middle of April
(14) of 1994, Mr. Volcansek had a meeting with Mr. Denning and
(15) Mr. Fierce at Mr. Fierce's home to talk about how the
(16) National Policy Forum could repay its debt to the RNC?
(17) Mr. Baroody. I'm not aware of that meeting.
(18) Mr. Baron. Were you aware--well, since you weren't
(19) aware of the discussion, I think I can answer my next
(20) question. But I take it you were also not aware that the
(21) subject in that discussion included the possibility of
(22) raising foreign money to pay off the debt.
(23) Mr. Baroody. You have answered your next question
(24) accurately.
(25) Mr. Baron. You will endorse my answer, I take it?

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(1) Mr. Baroody. Yes.
(2) Mr. Baron. And I represent to you--and, again, I think
(3) I know the answer--that in May of 1994, Mr. Volcansek, Mr.
(4) Denning, and Mr. Fierce met and reviewed a list of three
(5) possible foreign sources who were considered as possible
(6) resources to assist with the NPF's financing--refinancing
(7) needs.
(8) Mr. Baroody. I'm sorry. Is that a question, sir?
(9) Mr. Baron. Yes. I take it you were unaware of that.
(10) Mr. Baroody. I did not know that.
(11) Mr. Baron. And that Mr. Ambrous Young was one of the
(12) people on the list that Mr. Volcansek was looking at?
(13) Mr. Baroody. I did not know that.
(14) Mr. Baron. I take it you were not aware, then, at that
(15) time while you were still president, that a decision was
(16) made to approach Mr. Young through Mr. Richards to see if
(17) he'd guarantee a loan for the National Policy Forum?
(18) Mr. Baroody. I was not aware of that.
(19) Mr. Baron. Am I correct that during the time that you
(20) were president of the National Policy Forum, Mr. Denning was
(21) supposed to report to you?
(22) Mr. Baroody. Well, he was the chief operating officer;
(23) yes, he was supposed to report to me.
(24) Mr. Baron. In the hierarchy he was--
(25) Mr. Baroody. Yes.

(1) Mr. Baron. -supposed to report to you?
 (2) Mr. Baroody. That is correct.
 (3) Mr. Baron. Mr. Volcansek has testified in his
 (4) deposition that he believed that you were not involved in
 (5) the discussions as to how the NPF would resolve its
 (6) financial situation with the RNC. I take it you agree that
 (7) you had no-
 (8) Mr. Baroody. He was right in that belief. That's
 (9) correct.
 (10) Mr. Baron. How was it, if you can answer this, that
 (11) you as the president of the organization, that this was kept
 (12) from you?
 (13) Mr. Baroody. I cannot answer that.
 (14) Mr. Baron. Is it fair to say, sir, that by the end of
 (15) June of 1994, in your mind, in your view, based on your
 (16) experience, the separation which was supposed to exist
 (17) between the National Policy Forum and the RNC was
 (18) essentially a fiction-I think that's the word-that could
 (19) no longer be maintained?
 (20) Mr. Baroody. I have written that. I think it
 (21) important to say that the separation that was fictional was
 (22) not comprehensive. What I mean by that, there were clearly
 (23) separate boards. I believed there to be separate functions.
 (24) There was a separate staff. There were many separations
 (25) that were not fictitious. But I have written and meant,

(1) particularly with respect to some managerially blurred
 (2) lines, that the separation was a fiction.
 (3) Mr. Baron. Okay. And your concerns were embodied in
 (4) what I suspect was a difficult document for you to write,
 (5) and it's part of your resignation from NPF in a confidential
 (6) memorandum to Mr. Barbour.
 (7) Mr. Baroody. It was not an easy time.
 (8) Mr. Baron. I'm sure it wasn't.
 (9) Indeed, you expected that that memorandum would be
 (10) confidential and was only for Mr. Barbour's eyes; is that
 (11) correct?
 (12) Mr. Baroody. That is correct.
 (13) Mr. Baron. I'd like to review the memo with you.
 (14) There is an exhibit book. I hope, in front of you. It would
 (15) be No. 273, if you want to take a moment to find it.
 (16) Mr. Baron. This is a two-volume set.
 (17) Mr. Baron. There are two volumes.
 (18) Mr. Baroody. Yes.
 (19) [Pause.]
 (20) Mr. Baroody. Yes, sir.
 (21) Mr. Baron. Okay. I'd like to go through the-review
 (22) the memo with you. Let me direct your attention on the
 (23) first page to the second paragraph. You wrote about a
 (24) conversation we've already discussed briefly that you had
 (25) with Mr. Barbour relating to foreign money. You wrote to

(1) Mr. Barbour, and just bear with me as I read it so that
 (2) everybody can tell where we are, and please check me for
 (3) accuracy.
 (4) Mr. Baroody. Yes.
 (5) Mr. Baron. I am quoting: "We also discussed your
 (6) belief-that is you speak to Mr. Barbour-"that
 (7) considerable money could be raised for this effort from
 (8) foreign sources. I told you, again even before starting at
 (9) NPF, that I thought you were right about the possibility
 (10) that foreign money could be raised, but thought it...wrong
 (11) to do so. The idea, nonetheless, seemed to hold some
 (12) fascination and continued to be discussed until well after
 (13) Denning came on the scene. My recollection is that the
 (14) opposition to foreign sources expressed by the then new
 (15) volunteer finance chair finally put an end to such
 (16) speculation sometime after the first of this year." And
 (17) "this year" at that time would have been 1994.
 (18) Mr. Baroody. That's correct.
 (19) Mr. Baron. Okay. This memorialized, what I have just
 (20) read memorialized a conversation you had had with Mr.
 (21) Barbour?
 (22) Mr. Baroody. That early conversation I alluded to.
 (23) Mr. Baron. Right. And in light of the fact that
 (24) apparently Mr. Denning, Mr. Volcansek, and Mr. Fierce were
 (25) having some discussions about raising foreign money, I would

(1) like to go back to that paragraph for a moment.
 (2) You say that the subject of raising foreign money
 (3) continued to be discussed until well after Denning came on
 (4) the scene, but that couldn't have-that's not what you-
 (5) you're not referring to the discussions among Volcansek,
 (6) Denning, and Fierce because-
 (7) Mr. Baroody. No.
 (8) Mr. Baron. -you just told us-
 (9) Mr. Baroody. No.
 (10) Mr. Baron. -you didn't know about that.
 (11) Mr. Baroody. I'm referring to the discussion you
 (12) alluded to earlier that I had with Mr. Denning.
 (13) Mr. Baron. I see. Okay.
 (14) Mr. Baroody. As well as the discussion that I had with
 (15) Senator Brock.
 (16) Mr. Baron. Okay. But it's not the discussion with-
 (17) Mr. Baroody. No.
 (18) Mr. Baron. Any discussions with Volcansek or Denning
 (19) or Fierce that they were having?
 (20) Mr. Baroody. If I-no, it is not.
 (21) Mr. Baron. I didn't mean to cut your answer off.
 (22) Mr. Baroody. I was just going to observe, if I
 (23) understood the chronology you suggested about the timing of
 (24) those discussions, they would have come at the time after
 (25) the then new volunteer finance chair came on board, at which

(1) time, as I wrote, I thought the issue-that finally an end
 (2) had been put to such speculation.
 (3) Mr. Baron. That was my next question.
 (4) Mr. Baroody. Yes.
 (5) Mr. Baron. Who was the new volunteer finance chair?
 (6) Mr. Baroody. I thought it might be. That was Lee
 (7) Brown.
 (8) Mr. Baron. Lee Brown. And you also indicated in your
 (9) testimony earlier that Mr. Brown was also opposed, because
 (10) he thought it was wrong, to raise money from foreign
 (11) sources.
 (12) Mr. Baroody. Yes.
 (13) Mr. Baron. Okay. And do you recall when he came on
 (14) board?
 (15) Mr. Baroody. He had been on the board and volunteered
 (16) to be finance chair, my recollection is soon after the first
 (17) of the year, to use the phrase. But I am not precise in my
 (18) own recollection as to when he assumed those voluntary
 (19) duties.
 (20) Mr. Baron. Going further in your memo to Mr. Barbour,
 (21) you went on to say, "I believe that what has happened over
 (22) these many months has undermined my efforts, distorted our
 (23) purpose, blurred the separation of RNC and NPF in such a way
 (24) as conceivably to jeopardize our 501(c)(4) application, and
 (25) has occasioned the inexcusable, heavy-handed treatment of

(1) volunteers with the NPF."
 (2) I take it that the 501(c)(4) application was still
 (3) pending at that time; am I correct?
 (4) Mr. Baroody. That's correct.
 (5) Mr. Baron. And if I understood your memo, at least one
 (6) of the things that troubled you was the distinction between
 (7) NPF and RNC becoming blurred, involving the-the involvement
 (8) of RNC staff in what you regarded as NPF affairs; is that
 (9) correct?
 (10) Mr. Baroody. That's right.
 (11) Mr. Baron. Your memo continues, and I'm quote again,
 (12) "I had understood at the outset this would be an
 (13) organization separate from the RNC. Though both would be
 (14) chaired by you, they would operate distinctly. I had this
 (15) understanding not only because you and others told me so,
 (16) but because the deliberate decision had been made to
 (17) organize NPF under section 501(c)(4) of the federal tax
 (18) code. That provision requires separate operation.
 (19) Especially in recent months, it has become...difficult to
 (20) maintain the fiction of separation."
 (21) Can you elaborate on that a little bit from us?
 (22) Mr. Baroody. In what way, Mr. Baron?
 (23) Mr. Baron. Well, what specifically, in what areas did
 (24) you find that the separation had become something of a
 (25) fiction?

101 Mr. Baroody. Well, as I suggested earlier, principally
102 in what I would call managerial ways. The one that really
103 complicated the process of report writing was the—and I
104 allude to this in the document—was the assignment to some
105 RNC staff of production of that report. An awful lot of
106 fires had to be put out which were, I think, started by
107 those staff doing what they thought was editorially
108 indicated without knowing, because they had not been
109 involved in the policy processes, that it might affect
110 important language.
111 Mr. Baron. You alluded in your memorandum to the so-
112 called Fresno Forum. Am I correct, sir, that at that forum
113 a Congressman Dooley, who was a Democrat, had been invited
114 to participate actively as a panelist?
115 Mr. Baroody. That's correct.
116 Mr. Baron. And that as a result of pressure being
117 brought by the California State Republican organization, you
118 received an instruction—and please correct me if I'm wrong—
119 I believe it was from Mr. Barbour, that he should not be
120 allowed to participate on the panel but should be made part
121 of the audience.
122 Mr. Baroody. Essentially—
123 Mr. Baron. Correct me if I'm wrong.
124 Mr. Baroody. Essentially that's correct. Whether I
125 received specifically from Mr. Barbour an instruction to

101 that effect or it was implemented in another way, I honestly
102 don't recall. But that was—
103 Mr. Baron. Was it communicated to Congressman Dooley
104 that he would not participate on the panel, would be in the
105 audience, and as I understand it, he then decided not to
106 participate at all?
107 Mr. Baroody. Essentially, I believe that is what
108 happened, yes.
109 Mr. Baron. Let me go to your text of your memorandum
110 relative to the Fresno Forum. I am quoting. You say, "The
111 Fresno Forum was a case in point. My strong view that our
112 501(c)(4) application required that we not respond to
113 pressure from party organizations either to cancel the event
114 or remove an invited 'listener' from the panel were
115 unequivocally shared by outside counsel to the NPF and
116 communicated by both of us directly to you" and the staff of
117 the RNC regarded it as "so much legal b.s." Do you see
118 that?
119 Mr. Baroody. I do.
120 Mr. Baron. Who was the staff member who dismissed the
121 concerns as legal b.s.? Do you recall?
122 Mr. Baroody. I do.
123 Mr. Baron. And who was that?
124 Mr. Baroody. That was the executive director.
125 Mr. Baron. Of the RNC?

101 Mr. Baroody. Yes.
102 Mr. Baron. And you went on in your memorandum to Mr.
103 Barbour to explain that NPF's general counsel agreed with
104 your concerns; is that correct?
105 Mr. Baroody. Yes.
106 Mr. Baron. Who was the general counsel of NPF?
107 Mr. Baroody. His name was Blake Hall.
108 Mr. Baron. And was his concern that this put in
109 jeopardy, this kind of activity would put in jeopardy the
110 501(c)(4) status?
111 Mr. Baroody. Yes, in a word.
112 Mr. Baron. Now, there also was an issue that arose
113 concerning the fictional separation with regard to the
114 publication of an interim health care report?
115 Mr. Baroody. Yes, sir.
116 Mr. Baron. Let me quote from your memorandum. You
117 say, "Other examples underscore my concern that separation
118 between NPF and RNC is a fiction. The interim health care
119 report was not released because it was thought that doing so
120 would interfere with GOP advertising you had undertaken.
121 This, I believe not only inappropriate, given NPF's
122 501(c)(4) application, but also counter-productive, given
123 that the interim report would have reinforced the message of
124 the ads by pointing out that what Republicans would wish to
125 do about health care matched what people we listened to want

101 done about health care." Do you recall that?
102 Mr. Baroody. I do.
103 Mr. Baron. Can you elaborate on what occurred with
104 regard to the holding up of the publication?
105 Mr. Baroody. In all candor, not very much. As I
106 recall, I returned to my offices at the National Policy
107 Forum from travel to one of our forums, or maybe more than
108 one, to be told that the decision had been made.
109 Mr. Baron. With regard to hiring, was this another
110 area in which you felt that the fiction of separation had
111 broken down in that you assumed that you had certain hiring
112 authority which you later discovered was not really yours?
113 Mr. Baroody. No, I wouldn't characterize it that way
114 at all and don't believe I did in my memo. The hiring issue
115 raised in my memo does not go to the question of the fiction
116 of separation. It goes to what I thought was the failure to
117 keep a commitment made to me about hiring authority, but it
118 was not an indication of the fiction of separation at all
119 that the chairman would have strong views about hiring
120 people. He had, in fact, told me that he would have strong
121 views. The question of must-hire is the only issue there,
122 and it does not go to the separation issue, in my view.
123 Mr. Baron. That was just simply a separate issue that
124 you felt that had not lived up to a commitment to you?
125 Mr. Baroody. That's correct.

101 Mr. Baron. Okay. Now, did it come to your attention
102 any incidents that put the NPF in a position that in your
103 view involved them in campaign-related activity? You used
104 that phrase at one point in your memorandum.
105 Mr. Baroody. Yes.
106 Mr. Baron. What was the incident?
107 Mr. Baroody. I should say there were—that was not a
108 frequent problem.
109 Mr. Baron. I understand.
110 Mr. Baroody. There was one problem I thought reflected
111 poor judgment on the part of one member of NPF's staff in
112 which he engaged in a conversation with a candidate for
113 Federal office and I thought it was inappropriate—about the
114 campaign. The conversation he engaged in was about the
115 campaign.
116 Mr. Baron. Did you ever discuss with Mr. Barbour your
117 concern about the NPF's indebtedness to the RNC?
118 Mr. Baroody. I'm sure we had discussions about that.
119 Mr. Baron. Now, you are aware, I take it, that the IRS
120 denied the application for 501(c)(4) tax-exempt status this
121 year?
122 Mr. Baroody. I am aware of that.
123 Mr. Baron. And are you aware that the IRS decision was
124 based in part on the fact that they concluded that the NPF
125 served a narrow group of the Republican Party and Republican

101 Party activists?
102 Mr. Baroody. Mr. Baron, I am aware only of press
103 accounts of that denial, and they are not very elaborate.
104 Mr. Baron. Thank you, Mr. Chairman. I have no further
105 questions at this time.
106 Chairman Thompson. All right. Senator Lieberman,
107 would you like to ask now? We have a vote on. I think
108 members will be coming back in shortly. I would like to
109 keep it going if we could. But you haven't voted either,
110 have you?
111 Senator Lieberman. No, I am going to pass for now and
112 go vote, Mr. Chairman.
113 Chairman Thompson. All right. Senator Akaka, do you
114 want to pass for the time being?
115 Senator Akaka. Yes.
116 Chairman Thompson. Well, why don't I continue on for a
117 few minutes. Hopefully someone who has voted will come
118 back.
119 Mr. Baroody, thank you for your testimony. Obviously
120 the nature of this organization is important to our
121 consideration. I think that you have established that this
122 was an organization that you felt very deeply about that
123 could make some positive impact as far as your country was
124 concerned. That is the reason that you took this job to
125 start with.

(1) Mr. Baroody. I did, Mr. Chairman, yes.
 (2) Chairman Thompson. You obviously-you are still one of
 (3) those who have some idealism left, that there can be some
 (4) things, good things done by good people in the process, and
 (5) I take it that that was the reason that you involved
 (6) yourself with the National Policy Forum.
 (7) Since you are the first witness who really ran the
 (8) forum for a while there, can you tell us a little bit more
 (9) about what it did? My information is that you had several
 (10) forums, for example. Do you know approximately how many
 (11) forums you had and what they consisted of?
 (12) Mr. Baroody. Yes, sir. There were-I believe the
 (13) precise number was 62. In any event-
 (14) Chairman Thompson. While you were there?
 (15) Mr. Baroody. From the period of-for the period I was
 (16) there, there were in excess of 60 forums. I would say that
 (17) none of them were held inside the Washington Beltway, though
 (18) two came close. One was in Fairfax, Virginia, and the other
 (19) just outside the Beltway in Maryland.
 (20) Chairman Thompson. That's dangerously close.
 (21) Mr. Baroody. Yes, sir. But most of them were, as they
 (22) say, around the country. The very first was in Orlando,
 (23) Florida. And, incidentally, it was cosponsored with the
 (24) National Policy Forum by the University of Central Florida.
 (25) We heard testimony from people involved in law enforcement,

(1) sheriffs, judges, U.S. attorneys and the liked, State
 (2) attorneys, I think, from people involved in juvenile justice
 (3) problems.
 (4) That was not atypical in the sense that we would go out
 (5) and, instead of bringing Washington experts to make
 (6) presentations, we would invite people locally involved with
 (7) local problems to start our dialogue, making presentations
 (8) of their own, and then hope the conversation would continue
 (9) on an open and inclusive basis.
 (10) Chairman Thompson. And I believe you had certain
 (11) publications, did you not?
 (12) Mr. Baroody. We did.
 (13) Chairman Thompson. Could you tell us what that was?
 (14) Mr. Baroody. Well, the principal publication of the
 (15) National Policy Forum was what called NPF's Commonsense-one
 (16) word, Commonsense-a Republican journal of thought and
 (17) opinion. I would hasten to say that we meant by it the same
 (18) thing I meant in my little peroration about NPF's name. It
 (19) was a Republican journal of thought and opinion, not a
 (20) journal of Republican thought and opinion. We intended to
 (21) invite authors-I have-the three issues that were published
 (22) when I was here, I'd be happy to share them with you.
 (23) That was the flagship publication, a quarterly journal
 (24) of ideas. In addition, there was what evolved into a
 (25) monthly newsletter. Perhaps there were some others.

(1) Chairman Thompson. All right, sir. Most of the
 (2) independent groups that this Committee will be considering
 (3) raise the question as to whether or not the independent
 (4) groups are involved in political activity and are too close
 (5) to the parties and, therefore, their activity is attributed
 (6) to the party. This is a little bit of a different kind of
 (7) situation because apparently, number one, the money was
 (8) flowing from the party to start this group up, and I believe
 (9) you-I believe that there finally was a \$2.5 million debt
 (10) still there, I think, that-
 (11) Mr. Baroody. I only know what it was when I left, and
 (12) it was in the neighborhood, as we have said earlier, of \$2
 (13) million.
 (14) Chairman Thompson. But it was very relevant, this
 (15) business of separation. You talk about the fiction of
 (16) separation. That kind of jumps out at you when you read
 (17) that letter.
 (18) Mr. Baroody. I understand.
 (19) Chairman Thompson. But you point out that had to do
 (20) with the 501(c)(4) status. In a 501(c)(4), you are allowed
 (21) some political activity. It is not supposed to be partisan
 (22) political activity, but you are allowed some. But you are
 (23) not supposed to be a subsidiary of a party.
 (24) Mr. Baroody. That's correct.
 (25) Chairman Thompson. And you were very mindful of that.

(1) As it turned out, it turned out not to be as relevant a
 (2) consideration as you would have liked because there never
 (3) was a profit there. Is that not correct?
 (4) Mr. Baroody. That is exactly correct, sir.
 (5) Chairman Thompson. But as far as the FEC law is
 (6) concerned, the major consideration there is not the
 (7) closeness or subsidiary issue as much as it is were you
 (8) engaged in political activity.
 (9) As I say, most of these independent groups that we will
 (10) be dealing with were allegedly out there engaged in
 (11) political activity for one party or another, what you have
 (12) described as seminars and publications and that sort of
 (13) thing. But I take it you did not have things like voter
 (14) registration efforts, get-out-the-vote drives, phone banks,
 (15) or anything like that?
 (16) Mr. Baroody. Nothing like that, Senator.
 (17) Chairman Thompson. Did you endorse any particular
 (18) candidates for public office?
 (19) Mr. Baroody. No, we did not.
 (20) Chairman Thompson. Did you have a PAC?
 (21) Mr. Baroody. No, sir.
 (22) Chairman Thompson. Did you make political
 (23) contributions?
 (24) Mr. Baroody. No.
 (25) Chairman Thompson. As far as on the foreign money

(1) issue, you were concerned about that because you were
 (2) talking about American issues, American values, and what was
 (3) good for America, and you didn't think it was the right
 (4) thing to do to have foreign money involved in that, that
 (5) you'd be criticized for that.
 (6) Mr. Baroody. Yes, sir.
 (7) Chairman Thompson. And Bill Brock and others felt the
 (8) same way about that.
 (9) Mr. Baroody. The possibility of criticism troubled me,
 (10) as I said earlier, but I also-my sense that it was wrong,
 (11) in the word I used, inappropriate, also troubled me.
 (12) Chairman Thompson. Right. Although as far as you
 (13) knew, it would have been legal for you to accept it.
 (14) Mr. Baroody. I was not in doubt about the legality.
 (15) It would have been legal.
 (16) Chairman Thompson. All right. Now, you had a
 (17) conversation with Mr. Barbour about the question of raising
 (18) foreign funds?
 (19) Mr. Baroody. That conversation, much has been made of
 (20) it. It happened prior to my arrival at the NPF in a
 (21) conversation I had with him. I think after I had made the
 (22) decision to come, the subject came up. I told him what I
 (23) have written. I told him that I thought it would be wrong.
 (24) Chairman Thompson. All right. I think I have time for
 (25) one more. What was the nature of that conversation? Did he

(1) suggest to you that that was a possibility that you could
 (2) raise foreign funds for the Forum?
 (3) Mr. Baroody. Yes. He raised it as a real possibility.
 (4) Chairman Thompson. Did you ever have a subsequent
 (5) conversation with him about whether or not, in fact, foreign
 (6) money was being raised for the Forum?
 (7) Mr. Baroody. In all candor, Mr. Chairman, I don't
 (8) recall subsequent conversations with him. They were with
 (9) others, and as I have said, I thought at one point that the
 (10) subject had died altogether.
 (11) Chairman Thompson. All right. In other words, any
 (12) other information you had about that came from other people?
 (13) Mr. Baroody. That is correct.
 (14) Chairman Thompson. And as far as you know, while you
 (15) were there, foreign money was not raised?
 (16) Mr. Baroody. That is correct.
 (17) Chairman Thompson. Senator Glenn, I am going go vote,
 (18) with you as Chair in my absence to continue.
 (19) Senator Glenn. [Presiding.] Thank you, Mr. Chairman.
 (20) Glenn?
 (21) Mr. Baron. Thank you, Senator Glenn.
 (22) Very briefly, Mr. Baroody, in your earlier testimony,
 (23) you used the word "managerially," I believe, and please
 (24) correct me if I am wrong, when you described an area where
 (25) you thought that the separation between the RNC and the NPF

(1) had become something of a fiction. I believe that is the
(2) word you used.

(3) Mr. Baroody. I think it's the word I used. I used it
(4) to distinguish from other words like "functionally" or
(5) "structurally."

(6) Mr. Baron. Could you elaborate a little bit more? I
(7) am trying to find a synonym. Like operationally? Is that
(8) right?

(9) Mr. Baroody. Well, I think that even that, I am not
(10) sure, would be the precise word. I used the-we talked a
(11) little bit about the example of the production of the
(12) report. That was a managerial concern.

(13) Mr. Baron. Right.

(14) Mr. Baroody. It had real implication for the way in
(15) which I felt I could carry out my responsibility in
(16) overseeing the production of the report, but it didn't go to
(17) the structural question--the boards were separate--or the
(18) functional question. The functions were different.

(19) Mr. Baron. How about the decision whether to release
(20) the interim health care report? How would you categorize
(21) that? As an operational decision, a functional decision? I
(22) am just trying to understand what you mean when you use the
(23) term.

(24) Mr. Baroody. I suppose if you wanted in that case to
(25) use the word "operational," I wouldn't quibble.

(1) Mr. Baron. One other thing, you just testified in
(2) response to Chairman Thompson's question that in your view,
(3) it was still legal for the National Policy Forum to accept a
(4) foreign contribution. Your concern was with propriety.

(5) Mr. Baroody. That is correct.

(6) Mr. Baron. Built into that conclusion, and again,
(7) correct me if I am wrong, is an assumption that the National
(8) Policy Forum qualified for 501(c)(4) status.

(9) Mr. Baroody. I operated on that assumption.

(10) Mr. Baron. And if that, in fact, turned out not to be
(11) the case, then the issue of legality might come out
(12) differently?

(13) Mr. Baroody. I suppose that is true.

(14) Mr. Baron. Thank you.

(15) No further questions.

(16) Senator Glenn. Mr. Madigan?

(17) Mr. Madigan. Good afternoon, or perhaps good evening.

(18) Mr. Baroody.

(19) Mr. Baroody. Good evening, Mr. Madigan.

(20) Mr. Madigan. Let me ask you a little bit to follow up
(21) on Mr. Baron's questions about this 501(c)(4) status
(22) application. Am I correct that the application was filed by
(23) NPF for the (c)(4) status in early 1993?

(24) Mr. Baroody. I believe you are correct on that, yes.

(25) Mr. Madigan. And the decision was not made by the IRS

(1) denying the application until some 4 years later in 1997, is
(2) that right?

(3) Mr. Baroody. Well, that is my understanding, as I said
(4) earlier, yes.

(5) Mr. Madigan. At the risk of asking another question to
(6) another witness who does not know anything about the subject
(7) matter, do you have any idea why it took the IRS 4 years to
(8) consider NPF's application for a (c)(4) status?

(9) Mr. Baroody. I have no idea why it took that long.

(10) Mr. Madigan. Well, perhaps we can ask that to another
(11) witness that may know a little bit more about it.

(12) Let me ask you about the activities that the Chairman
(13) was beginning to ask you about with respect to these forums
(14) around the country. Were the forums the only activities
(15) that the NPF was involved in during your tenure there? I
(16) understand you were only there for about a year.

(17) Mr. Baroody. It was 13 months.

(18) They were not the only activity. In addition, we had
(19) all of the policy development and reporting writing--well,
(20) all of the policy development efforts you would expect to go
(21) into a report-writing task, and a lot of people were
(22) involved in that process; that is, a lot of people in
(23) addition to NPF staff, volunteer members of our policy
(24) councils.

(25) We also, as we talked about a little bit earlier with

(1) the Chairman, published publications. Commonsense, as I
(2) said, is one of them, and as I said, I would be happy to
(3) share both Commonsense and the summary report of NPF
(4) entitled *Listening to America with the Committee*.

(5) Mr. Madigan. NPF has been described as a think tank.
(6) Is that a fair description?

(7) Mr. Baroody. I used to say that it was an inaccurate
(8) shorthand, but it worked as a shorthand. The reason I said
(9) it was inaccurate is that most think tanks don't engage in
(10) the sort of intense listening process, having grass-roots
(11) meetings around the country that NPF did. So, if it was a
(12) think tank, it was a think tank with a difference.

(13) Mr. Madigan. Let me ask you a little bit about whether
(14) NPF engaged in any political activities. We are going to be
(15) looking, as the Chairman says, in the second phase of the
(16) hearings to various (c)(4) groups that were involved in
(17) political activities, ran issue ads and ran other kinds of
(18) ads. Did NPF run any advertising on television advocating
(19) the election or defeat of a particular candidate?

(20) Mr. Baroody. No, sir, it did not.

(21) Mr. Madigan. Are you aware of any occasion when NPF
(22) ran what we call in the soft money area an issues ad?

(23) Mr. Baroody. No, sir, I am not.

(24) Mr. Madigan. Did NPF ever make any political
(25) contributions to any campaign, political party, or political

(1) action committee?

(2) Mr. Baroody. No, sir, it did not.

(3) Mr. Madigan. Did NPF have its own PAC?

(4) Mr. Baroody. No, sir.

(5) Mr. Madigan. Did NPF ever engage as a number of the
(6) (c)(4) groups did in voter registration efforts?

(7) Mr. Baroody. No, sir.

(8) Mr. Madigan. Did NPF ever engage as a number of (c)(4)
(9) groups did in get-out-the-vote drives?

(10) Mr. Baroody. No, sir.

(11) Mr. Madigan. Was NPF ever involved, as a number of
(12) these groups were, in setting up phone banks?

(13) Mr. Baroody. No, sir.

(14) Mr. Madigan. Did NPF ever endorse any particular
(15) candidate for public office?

(16) Mr. Baroody. No, sir.

(17) Mr. Madigan. Well, would it be fair to say in summary
(18) that the NPF had no role on behalf of any candidate for
(19) election?

(20) Mr. Baroody. None that I was aware of, sir.

(21) Mr. Madigan. Thank you, Mr. Baroody.

(22) I think we will reserve the time. I think Senator
(23) Bennett, if we are still on our time--

(24) Senator Glenn. Thank you.

(25) I had just one question, if I might--

(1) Mr. Baroody. Yes, Senator.

(2) Senator Glenn. --and then we will go to Senator
(3) Bennett.

(4) As I understand it, all the things that you were just
(5) being queried about a moment ago were while you were there?

(6) Mr. Baroody. Oh, yes. That is all I could speak to.

(7) Senator Glenn. That does not cover after you left,
(8) when we have had adequate testimony that showed there were a
(9) lot of things changed after you left.

(10) Mr. Baroody. Senator Glenn, I can speak to what
(11) happened while I was there.

(12) Senator Glenn. Right.

(13) Mr. Baroody. That is what I was doing.

(14) Senator Glenn. Thank you. I just wanted to make that
(15) point.

(16) Mr. Baroody. Yes, sir.

(17) Senator Glenn. Senator Bennett?

(18) Senator Bennett. Thank you.

(19) I did not know anything at all about NPF until I got
(20) into this whole thing. I come to it cold, and, Mr. Baroody,
(21) what I am about to say in no way is a reflection on your
(22) abilities or your energy level or your accomplishments.

(23) You are obviously very proud of what you did in getting
(24) America listening and producing the booklet that we have a
(25) copy of and the rest of it. My reaction, nonetheless, as a

(1) loyal Republican and one who contributes annually to the
 (2) Republican sustaining fund is that NPF was one of RNC's
 (3) worse ideas. This was not a good return on the investment.
 (4) As Mr. Madigan has illustrated, you did not run any
 (5) ads. You did not do any advocacy for any candidates. You
 (6) did not do any party-building activity. You did not develop
 (7) any voter lists. You did not do any voter I.D. You did not
 (8) do any get-out-the-vote, and you were a constant money drain
 (9) on the RNC. Isn't that correct?
 (10) Mr. Baroody. That is correct.
 (11) Senator Bennett. All the money went from the RNC to
 (12) you, not the other way around. Is that a correct statement?
 (13) Mr. Baroody. Yes, sir.
 (14) Senator Bennett. So, when we got to the loan
 (15) circumstance that was described earlier, all the RNC really
 (16) got was their money back. The very best in terms of
 (17) financial contribution to NPF was that by arranging the loan
 (18) with Mr. Young, the RNC got even. Is that a correct summary
 (19) of the financial circumstances?
 (20) Mr. Baroody. Again, Senator Bennett, all of this
 (21) occurred after I left, but from what I learned, I am not
 (22) sure they got even, but, essentially, the answer is yes.
 (23) Senator Bennett. Yes. I do not have the money in
 (24) front of me either. So I am not sure they got even.
 (25) I know that they at least got nicked for \$800,000

(1) create some kind of a grass-roots atmosphere that would be
 (2) beneficial to Republicans. Is that correct?
 (3) Mr. Baroody. Well, and to draw from that atmosphere,
 (4) if you will, real ideas about what we called ideas that
 (5) worked, real policy guidance.
 (6) Senator Bennett. And it was assumed that it would be
 (7) sufficiently exciting to people who were supportive of those
 (8) ideas that it could raise all its own money?
 (9) Mr. Baroody. I would say in the early going, that was
 (10) the expectation.
 (11) Senator Bennett. So seed money was put in by the
 (12) Republican National Committee with the full expectation that
 (13) it would be repaid?
 (14) Mr. Baroody. Yes, sir.
 (15) Senator Bennett. And then it turned out not to work
 (16) that way?
 (17) Mr. Baroody. That is correct.
 (18) Senator Bennett. So NPF went out to try to raise
 (19) enough money to keep itself afloat and was unsuccessful?
 (20) Mr. Baroody. Yes, sir.
 (21) Senator Bennett. Then they arranged for a loan
 (22) guarantee that allowed them to make the RNC even up to that
 (23) point, but they were unable to raise enough money to pay off
 (24) the loan guarantee. You have no personal knowledge of that,
 (25) but that is your understanding?

(1) because that is what the settlement was--
 (2) Mr. Baroody. Yes.
 (3) Senator Bennett. --with Mr. Young.
 (4) Mr. Baroody. Again, that is what I heard earlier
 (5) today, yes.
 (6) Senator Bennett. I find this a very curious way to try
 (7) to insert foreign money into the Republican National
 (8) Committee. For the Republican National Committee to fund
 (9) continually another entity which does not do anything in the
 (10) traditional fashion for the Republican National Committee,
 (11) it does not produce any kind of party-building activity that
 (12) you can put your hand on, it does not produce any kind of
 (13) ads or advocacy, just draws money away from the Republican
 (14) National Committee, and yet, somehow it has been described
 (15) here by some of my colleagues as a very nefarious way to
 (16) insert foreign money into the Republican National Committee.
 (17) How can you insert foreign money when the entity you choose
 (18) to have do that for you ends up costing you money that you
 (19) raise in the traditional fashion?
 (20) Mr. Baroody. Senator Bennett, I hope you are not
 (21) expecting an answer to that from me because I don't know
 (22) either.
 (23) Senator Bennett. Well, it is a rhetorical question
 (24) that clearly answers itself.
 (25) The depiction of NPF as a conduit for foreign money

(1) Mr. Baroody. That is my understanding.
 (2) Senator Bennett. And you followed this thing, I think,
 (3) perhaps more carefully than anybody else. So I will accept
 (4) that understanding.
 (5) Well, the Chairman is not here. I suppose I am the
 (6) Chairman now. In a world of blind men, the one-eyed man is
 (7) king.
 (8) Senator Glenn. He has assumed the Chair? Okay, that
 (9) is fine.
 (10) Senator Bennett. I welcome the Senator from Ohio back
 (11) and would be happy to cede to his seniority.
 (12) I have nothing further to add, Senator Glenn. I, as I
 (13) say, did not come to this whole experience with any real
 (14) understanding of NPF, and I think I have it now. NPF was
 (15) not one of the RNC's better ideas, and it ended up costing a
 (16) potful of money. It ended up costing them a tremendous
 (17) amount of grief. It ended up causing all kinds of
 (18) explanations about foreign money that really had nothing
 (19) whatever to do with the RNC, and it did not produce a single
 (20) ad, a single phone call, and a get-out-the-vote activity.
 (21) It did not product any kind of return on that investment.
 (22) If that is an example of the way we are going to get foreign
 (23) money into the Republican party, the Republican party
 (24) qualifies as the gang that could not shoot straight because
 (25) there are lots of other ways one could find to approach

(1) into the Republican National Committee is clearly wrong
 (2) based on what we have heard today. Quite the contrary, NPF
 (3) is a money drain on RNC, and when the books are balanced,
 (4) NPF took money away from elections, rather than making money
 (5) available for elections. Is that a fair summary?
 (6) Mr. Baroody. Yes. I would put it, if you will indulge
 (7) me, this way. I think that the idea that NPF was a money
 (8) laundry is a fiction.
 (9) Senator Bennett. I think it is more than a fiction. I
 (10) think it is absurd.
 (11) Now, if I were sitting on the Republican National
 (12) Committee when Haley Barbour came to me and said we have a
 (13) moral obligation to put an additional \$1.5 million into NPF,
 (14) I would be tempted to vote as that committee voted, to table
 (15) Haley's proposal. Isn't that what happened?
 (16) Mr. Baroody. Well, again, this happened, sir, after I
 (17) left.
 (18) Senator Bennett. Yes, all right.
 (19) Mr. Baroody. So I can't speak to it from my own
 (20) personal knowledge.
 (21) Senator Bennett. [Presiding.] All right. I am mixing
 (22) up the previous witness' testimony with yours, but that is
 (23) how I get a clear picture of what happened.
 (24) So let me just summarize it once again. NPF was an
 (25) idea that you had and Mr. Barbour had, and the goal was to

(1) this.
 (2) Senator Glenn, I will reserve the balance of the time
 (3) for this side until the Chairman comes back and yield to you
 (4) whatever you may wish.
 (5) Senator Glenn. [Presiding.] Thank you.
 (6) Did you have any more questions you wanted to ask?
 (7) Senator Levin. Are we going to try to pick up
 (8) tomorrow?
 (9) Senator Glenn. We thought we would probably try and
 (10) pick up in the morning, if we can. We are trying to contact
 (11) the Chairman now to see if it is okay to start in the
 (12) morning at 9:15 or 9:30, which would let us get a little
 (13) time with Mr. Baroody in the morning.
 (14) Will you be available in the morning?
 (15) Mr. Baroody. I will make myself available, Senator.
 (16) Senator Glenn. That is fine. Thank you.
 (17) We will find out just as fast as we possibly can. I
 (18) have no more questions, and I do not believe counsel has
 (19) more questions.
 (20) Mr. Baron. Not at this time.
 (21) Senator Glenn. There are some other members who wanted
 (22) to ask some questions, and I think if we could make time to
 (23) start a little early in the morning, that would take care of
 (24) it.
 (25) This back-and-forth, I am sorry for all the truncated

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[1] nature of the thing.
[2] Mr. Baroody. I understand it, Senator.
[3] Senator Glenn. You are familiar with how things work
[4] around here.
[5] Mr. Baroody. Yes.
[6] Senator Glenn. There we go.
[7] Chairman Thompson. (Presiding.) How are we doing?
[8] Senator Glenn. All right. We were all finished, and I
[9] think Bob is finished over here.
[10] Senator Bennett. Mr. Chairman, for your edification,
[11] while you were out, I just made the point that if this were
[12] a money-laundering operation for the purpose of getting
[13] funny-foreign money or funny money of any kind into the
[14] Republican National Committee, it was a colossal failure
[15] because all of the money went the other way. The money came
[16] from the Republican National Committee to NPF in return for
[17] which the National Committee did not receive a single ad, a
[18] single phone call, a single phone bank, a single
[19] endorsement. It received nothing but debts, and when the
[20] loan guarantee made the RNC even, if we assume there was no
[21] more money drain after that--and I do not think that is a
[22] fair assumption--they at least lost an additional \$800,000
[23] on the settlement.
[24] So, if this is the way you are going to get foreign
[25] money into the Republican National Committee, we have got to

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[1] get smarter people at the Republican National Committee.
[2] Chairman Thompson. I take it, we have additional
[3] questions of this witness?
[4] Senator Glenn. There may be a few additional
[5] questions, yes, and I think some other members wanted to ask
[6] a couple of questions. If we could start in the morning?
[7] Chairman Thompson. If we start in the morning and
[8] everybody comes back, of course, I predict we would be
[9] half-a-day with this witness again. Obviously, if other
[10] members want questions, we will have to accommodate them.
[11] Senator Levin. I just had one question, if you are
[12] going to try to end with this witness tonight, Mr. Chairman.
[13] Chairman Thompson. That is certainly okay with me.
[14] Senator Levin. Let me add my thanks for your coming
[15] forward and providing us with testimony, Mr. Baroody.
[16] You said that there was a disagreement between you and
[17] Mr. Barbour, I think using words, which were over prudential
[18] judgments, not over matters of law.
[19] Mr. Baroody. Yes.
[20] Senator Levin. And if you have answered what I am
[21] going to ask you, then forgive me because I have not been
[22] here for the last few minutes, but in your memorandum letter
[23] and your memorandum of resignation, you made the following
[24] statement which I happen to agree with, and this is in the
[25] middle of page 2 of that memo.

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[1] "I had understood," you said, "at the outset that this
[2] would be an organization separate from the RNC. Though both
[3] would be chaired by you, they would operate distinctly. I
[4] had this understanding not only because you and the others
[5] told me so, but because the deliberate decision had been
[6] made to organize the NPF under Section 501(c)(4) of the
[7] Federal Tax Code," and the next line is the one I want to
[8] focus on. "That provision requires separate operation."
[9] Mr. Baroody. Yes, sir.
[10] Senator Levin. Would you agree that this kind of
[11] separation is required by law? That is not something which
[12] is a matter of moral judgment or prudential judgment. This
[13] question, a separation requirement that you referred to is a
[14] requirement of law. Would you agree with that?
[15] Mr. Baroody. Yes, Senator. That is what I wrote, and
[16] I did distinguish earlier, and I believe you were not here,
[17] things like the structure, where it was clearly separate,
[18] and other, what I called managerial concerns, where the
[19] blurring of lines occurred, but I do agree with your
[20] characterization of my meeting.
[21] Senator Levin. Thank you. Again, thank you for coming
[22] forward.
[23] Thank you, Mr. Chairman.
[24] Chairman Thompson. Senator Glenn?
[25] Senator Glenn. Mr. Chairman, just briefly.

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[1] Exhibit 258, if you have it there, it is a memo to you
[2] and to Haley Barbour and to Ken Hill from Scott Reed on June
[3] 2, 1993, and the subject is NPF action. It has a number of
[4] different items listed. One has survey research mailing.
[5] Number two has fund-raising. Number three is develop policy
[6] councils. Number four is appoint board of
[7] directors/executive committee. Five is prepare documents
[8] for Chicago RNC meeting.
[9] Under the title of fund-raising there, one of the items
[10] listed under fund-raising is foreign. Now, this memo, I
[11] believe, came to you shortly after you had taken over at
[12] NPF. Is that correct?
[13] Mr. Baroody. Senator Glenn, it is dated June 2nd. It
[14] was well before I did.
[15] Senator Glenn. Before you came in?
[16] Mr. Baroody. Yes.
[17] Senator Glenn. All right. Did you ever have occasion
[18] to discuss this memo, or did you become familiar with it
[19] after you came in and took over?
[20] Mr. Baroody. I have really the vaguest recollection of
[21] this memo. I was engaged in the employment I currently had,
[22] almost literally up to the day, July 1st, that I started at
[23] NPF.
[24] I do not deny that I got this. I am sure that I did
[25] get it, but I do not recall engaging in any serious

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[1] conversations about it.
[2] Senator Glenn. All right, fine. This was not brought
[3] to your attention by some staff member after you got there
[4] and said this was going to be something we are looking into
[5] or was brought to your attention as something you should
[6] specifically not to?
[7] Mr. Baroody. No, that is not my recollection at all.
[8] Senator Glenn. Okay. You became familiar, though,
[9] later on with the efforts, and your objection to those
[10] efforts, as you saw them, was one of your main reasons for
[11] resigning; is that correct?
[12] Mr. Baroody. Senator Glenn, the efforts I have
[13] characterized, they really were occasional conversations. I
[14] became aware, first, in the conversation I have already
[15] described prior to my arrival at NPF with Haley Barbour.
[16] My memo in its own terms, Senator, says that sometime
[17] after the first of the year, sometime after the volunteer
[18] finance chairman came on board in that capacity, and I found
[19] that he also agreed with me about foreign money being
[20] inappropriate, I said, to the best of my knowledge, the
[21] issue died.
[22] It was a concern that I had, but given that at the time
[23] I wrote my resignation memo, I thought it was a dead issue.
[24] I would not say that it was a major reason for my departure.
[25] Senator Glenn. Good, fine.

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[1] Out of your deposition, I will just read this into the
[2] record here and ask for your concurrence that this is still
[3] accurate. On page 28, line 9, the question was, "Did you
[4] have any discussions about raising money from foreign
[5] contributors or foreign sources?"
[6] Answer: "We had, as I recall, one conversation on that
[7] subject."
[8] Question: "You and Haley Barbour?"
[9] "Correct."
[10] Question: "Was anyone else in attendance at that
[11] conversation?"
[12] "No."
[13] "When did that occur?"
[14] "It occurred--on the calendar, I don't remember
[15] precisely, but it occurred prior to my arrival at the NPF.
[16] My guess is it would have been late May or early June."
[17] Question: "And what was discussed in regards to
[18] foreign contributions?"
[19] Your answer: "The general idea that foreign money could
[20] be raised for the NPF."
[21] Question: "And whose idea was that?"
[22] Answer: "It was raised by Mr. Barbour."
[23] Question: "Did you agree with the fact that foreign
[24] money could be raised for the NPF?"
[25] "I did."

(1) "Did Haley Barbour suggest that he would like to raise
 (2) foreign contributions for the NPF?"
 (3) Your answer was, "He raised it in such a way that
 (4) suggested he thought that would be a promising source for
 (5) the Fund."
 (6) And the question is, "How did you feel about that?"
 (7) "I objected to it."
 (8) "And why?"
 (9) "Because I thought it would be wrong."
 (10) "Why did you think it would be wrong?"
 (11) "Because the NPF was involved in an—inherently an
 (12) American political exercise, and I thought that it was—it
 (13) would be imprudent and inappropriate to raise...funds from
 (14) foreign sources from such an exercise."
 (15) That is from your deposition. I presume you agree with
 (16) that, those statements?
 (17) Mr. Baroody. It sounds right. Mr. Glenn—Senator
 (18) Glenn, I have not had the opportunity to review the
 (19) deposition or to get a copy, but I do believe that that
 (20) accurately conveys the language in deposition.
 (21) Senator Glenn. Thank you.
 (22) I think Mr. Baron has one or two questions.
 (23) Mr. Baron. Literally, one question, Mr. Baroody.
 (24) Earlier in my questioning of you, I advised you and asked
 (25) you whether you knew about discussions among Mr. Denning,

(1) Mr. Volcanssek, and Mr. Fierce concerning the raising of
 (2) foreign money during your tenure as president.
 (3) Mr. Baroody. Yes, sir.
 (4) Mr. Baron. Am I correct that sitting there today was
 (5) the first time you learned about that?
 (6) Mr. Baroody. Mr. Baron, you are correct.
 (7) Mr. Baron. Thank you.
 (8) Chairman Thompson. Mr. Baroody, on the question that
 (9) Senator Glenn raised, this memorandum we see where foreign
 (10) is listed, it is a memorandum to Scott Reed, and I was
 (11) looking at his statement. He was on an original witness
 (12) list. I do not know whether the minority intends to call
 (13) Mr. Reed or not, but here is what he says about it in his
 (14) statement to us, "The idea of a think tank for Republican
 (15) policies and ideas was Haley Barbour's. He called for such
 (16) policy organization as part of his campaign platform to be
 (17) elected chairman of the RNC. Once Haley was elected, his
 (18) executive director, as his executive director, identified
 (19) the various issues he would face in setting up the new
 (20) organization. My memorandum of June 2, 1993, a document
 (21) used by Senator Glenn in his opening remarks several weeks
 (22) ago provides a list of decisions that the NPF would have to
 (23) make. At that time, American subsidiaries of foreign
 (24) companies had shown an interest in contributing to the NPF.
 (25) I believe at that time and believe today that the NPF could

(1) legally accept such contributions. What I did not know was
 (2) Chairman Barbour's position on accepting these donations. I
 (3) thought that he needed to make a policy decision and give
 (4) the NPF some staff direction. That is why I highlighted
 (5) this issue, among others, in my memorandum."
 (6) So that is his explanation for that, and if he is
 (7) called as a witness, of course, he can elaborate.
 (8) Otherwise, I do think we have some further illumination on
 (9) why he had that word on the list.
 (10) Mr. Baroody. I would think that he could elaborate on
 (11) it, and I would say to you, Senator, that because it was a
 (12) question on my own mind, I would have been glad if the
 (13) conversation had gone forward the way he suggested in that
 (14) statement.
 (15) Chairman Thompson. In other words, just determine what
 (16) your policy was going to be on that?
 (17) Mr. Baroody. It was a question, and we—he was right
 (18) to put it on a list of question we should consider.
 (19) Chairman Thompson. All right. Are we finished, do you
 (20) think, or should we—
 (21) Senator Glenn. Yes, we are finished.
 (22) Chairman Thompson. You think we are finished.
 (23) Senator Bennett, do you have anything further?
 (24) Senator Bennett. Yes.
 (25) Chairman Thompson. All right. We will be in recess.

(1) Thank you, Mr. Baroody. Do you have anything?
 (2) Mr. Baroody. One point, Mr. Chairman, and I alluded to
 (3) these documents. I wonder if I could ask that they be
 (4) included in the record.
 (5) Chairman Thompson. All right. They will be made a
 (6) part of the record. What do you have, four there?
 (7) Mr. Baroody. It is four documents, three issues of
 (8) Commonsense and the summary report of the National Policy
 (9) Forum.
 (10) [The information follows:]
 (11) / COMMITTEE INSERT

(1) Chairman Thompson. All right. We will adjourn and
 (2) reconvene at 10 o'clock in the morning. We will have Mr.
 (3) Volcanssek and Mr. Barbour at 10 o'clock in the morning.
 (4) Thank you.
 (5) Mr. Baroody. Thank you, Mr. Chairman.
 (6) [Whereupon, at 6:08 p.m., the Committee was adjourned.]

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