

STATE OF WISCONSIN,

Plaintiff,

Case No: 02-CF-2451

v.

CHARLES CHVALA,

Defendant.

MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTIONS

INTRODUCTION

The first four motions deal with expert testimony. The criminal complaint, John Doe testimony, and John Doe reports contain numerous conclusions of the witnesses. Furthermore, none of prosecution witnesses identified in the complaint, John Doe testimony, nor John Doe reports have been identified as expert witnesses. These witnesses must testify concerning the facts, rather than their own conclusions. Listed below are various examples of conclusions that should not be permitted.

An expert witness is a person who based upon their experience, education, and training has gained knowledge in an area that is beyond the general knowledge of the jury. Wis. Stats. § 907.02 An expert witness is entitled to give testimony in the form of an opinion. The State was required to name such witnesses by August 1, 2005. The Defendant was required to name such witnesses by September 1, 2005. The Court further ordered:

A second pre-trial order in this case was rendered June 8, 2005 and included the requirement that there be disclosure of expert witnesses, by state on August 1, 2005 and by the defense on September 1, 2005. As to the disclosure of experts, the second pre-trial order further required the following,

The court hereby determines that disclosure of an expert witness, to be sufficient pursuant to sec. 971.23(2m)(am), Wis. Stats. requires that a written summary of the expert's findings or the subject matter of his or her testimony, and including specific identification of all records, publications, treatises and other information relied upon, as well as the results of any physical or mental examination, scientific test, experiment or comparison that the party intends to offer in evidence at trial.

Second Pre – Trial Order, Paragraph 4, in part.

The Court further ordered:

The defendant may look to others to offer expert testimony should he choose to do so. He may himself testify as an expert presuming an adequate foundation is offered. He will not be permitted to offer expert testimony, however, unless he complies fully with the disclosure requirements of the second pre-trial order applicable to all expert witnesses. By submitting the required information, the defendant preserves the option to offer the testimony properly and fully described in the disclosure. By failing to comply with the disclosure requirement, however, he forfeits that option to offer such testimony.

The State has named four expert witnesses. Only those witnesses are permitted to give expert testimony.

The facts and law relating to the remaining motions will be included in the appropriate section of the brief.

1. Motion to require all witnesses who have not been identified as experts by the prosecution, to be barred from presenting any opinion regarding Senator Chvala's control of the Senate.

There are numerous allegations that Senator Chvala had almost complete control over the Senate. Whether a person has control of the Senate is a subject beyond the knowledge of the average jury. It requires knowledge of the rules and inner workings of the Senate and the majority party. It also requires knowledge of specific

legislation and the likelihood that such legislation or budget item has sufficient support of the majority party to pass the senate, or lacks sufficient support to pass the Senate. It also requires knowledge of how the particular piece of legislation or budget item has fared in the committee, which considered it, or how it has fared within the Democratic Senate Caucus. (the actual Senate Democrats)

Control of the Senate is only relevant if Senator Chvala caused bills or budget items to pass the Senate against the will of the majority of Senators or if Senator Chvala caused bills or budget items to fail when a majority of the Senators wanted passage. If the bills or budget item would have had the same outcome regardless of any control by Senator Chvala the issue of control is irrelevant to this case.

The State has named one expert, Professor Dennis Dresang, who will give testimony concerning Senator Chvala's control of the Senate. The Defendant has been given notice of his opinions and will be prepared to cross-examine Professor Dresang and to provide contrary opinion testimony. Pursuant to Wis. Stats. § 971.23 and by court order, he is the only prosecution witness who should be permitted to give opinions concerning control.

Listed below are several examples from the complaint where various witnesses have made allegations of control. None should be permitted to give their opinions at trial.

PARAGRAPH 5:

...Your complaining witness states that during the course of his investigation he learned that as the Chair of the Committee on Senate Organization, the defendant had complete control over scheduling of bills in the Wisconsin State Senate.

PARAGRAPH 7:

...As a result of these interviews, your complaining witness states that he learned that during the time period that the defendant acted as the Majority Leader of the Wisconsin State Senate, it has become virtually impossible for legislation to be passed by that body without his approval.

PARAGRAPH 22:

...Your complaining witness was informed that, in the State Senate, the defendant has almost total control over what is produced by his caucus and passed by the Senate...

PARAGRAPH 26:

...Mr. Malkasian stated that it was getting near the end of the 1998 legislative session and AB 334 had still not been scheduled for a vote in the Senate. Mr. Malkasian knew that, as the Chair of the Committee on Senate Organization, the defendant had absolute control over the scheduling of AB 334 for a vote in the Senate....

PARAGRAPH 33:

...Mr. Wineke stated that the bill passed by a consensus in the Senate, which demonstrated the lack of any real opposition. Mr. Wineke stated that if the bill had not been scheduled, it would have effectively been killed for the session. Mr. Wineke further stated that as Senate Majority Leader, the defendant had virtual absolute control over the scheduling of bills because he served as the chairman of the Senate Committee on Organization. Mr. Wineke stated that the majority party has a majority of seats on the committee and that the other Democrats have to follow the defendant's plan or they face being removed from the committee....

Senator Wineke has not been named as an expert witness. Furthermore, there is no evidence that Senator Chvala ever threatened to remove or did remove any Senator from the Senate Organizational Committee for disagreeing with his plan.

PARAGRAPH 257:

Regarding defendant's power to control legislation, Mr. Burnett stated as follows. As Senate Majority Leader, defendant had great power to kill legislation defendant wanted to kill.

Mr. Burnett has not been identified as an expert witness. He cannot express opinions regarding the power of the Senate Majority Leader.

- 2. Motion to require all witnesses who have not been identified as experts by the prosecution, to be barred from presenting any opinion regarding what was legal or legitimate and what was illegal or illegitimate regarding activities of the Senate Democratic Caucus employees.**

The court of appeals decision in this case has established the standard concerning what activities were legal and not legal for caucus employees to perform on State time. If an activity was unambiguously campaign related and had no conceivable legislative purpose it was illegal. State v. Chvala, 271 Wis. 2d 115, 154,156, 678 N.W.2d 880 (Ct. App. 2004). It therefore requires expert testimony to evaluate whether particular activities met that standard.

The complaint contains numerous opinions alleging illegal or illegitimate campaign related activities. However, none of the persons expressing these opinions have been named as an expert witness as is required by statute and court order. Furthermore, in certain instances the witnesses allegations were wrong in that what they claimed was illegal was not illegal. (i.e. opposition research, monitoring press clippings) These witnesses therefore must be limited to stating the facts as to what they did and not testify as to conclusions concerning the legality of their work. Furthermore, testifying that they were working on a campaign is meaningless since campaign activities can also have a conceivable legislative purpose.

PARAGRAPH 52:

...Ms. Kloiber stated that she then began to work on the Alice Clausing reelection campaign as part of her duties as a State employee at the Senate Democratic Caucus. She said that some of these duties were legitimate constituent relation duties, but others, such as fund-raising and opposition research, she now understands to be purely political and improper for State employees.

PARAGRAPH 65:

Ms. Richard informed investigators that she was the Director of the Senate Democratic Caucus during both the 1996 and 1998 campaign seasons. She indicated that during the years when no elections were scheduled, employees of the Senate Democratic Caucus primarily did policy work but also performed some pure campaign work in their State offices on State time. She indicated that one such task was opposition research. ...

PARAGRAPH 66:

Ms. Richard further stated that as elections drew nearer, the amount of legitimate policy work being done by the caucus began to diminish and the amount of campaign work began to increase. ..

PARAGRAPH 78:

Ms. Laundrie discussed a continuum indicating during the time period in off election years Senate Democratic Caucus workers concentrated primarily on policy and budget work and then when the election cycle returned, the continuum shifted until the caucus workers devoted approximately 90% of their time to campaign work. Ms. Laundrie agreed that she worked at least 90% of her time for Erpenbach during his election from her State office and on State time. She stated that the defendant was very involved in this process and was very hands on. She stated that Joanna Richard, who was the director of the caucus at the time, was cut out from the process and that the defendant would contact her directly.

PARAGRAPH 81:

Ms. Laundrie stated the defendant never cautioned her about doing campaign work in her State office, and she said that she felt that the defendant expected her to do the campaign work. Ms. Laundrie stated that based upon the number of contacts she had with the defendant, the nature of those contacts and where those contacts occurred, it was not possible that the defendant did not know that she was doing campaign work in her State office on State time. Ms. Laundrie stated that she felt she would have lost her job in the caucus office if Erpenbach had not won his election....

The conclusion by Ms. Laundrie that she would have lost her job had Erpenbach not won is pure speculation and likewise objectionable.

PARAGRAPH 82:

Your complaining witness states that Lance Walter testified before the John Doe in this matter and stated that he was hired by the Senate Democratic Caucus as an analyst in 1997 and ultimately became the Deputy Director of the caucus. Mr. Walter acknowledged that during election cycles it was a matter of routine for Senate Democratic Caucus staffers to perform campaign work in their offices using State phones and computers....

PARAGRAPH 92:

...Mr. Gussert stated that Ms. Kloiber ended up working full-time on the Hansen campaign along with Lance Walter and spent a good deal of time in Green Bay prior to the election.

PARAGRAPH 99:

Your complaining witness states that he spoke with Wendy Kloiber and Wendy Kloiber told him that she did a substantial amount of work on the Hansen campaign in the 2000 election while she was employed by the Senate Democratic Caucus....

PARAGRAPH 110:

Ms. Lynch stated that the campaign time went up in August and then again significantly in September to approximately 30 hours per week...

PARAGRAPH 112:

.... During this conversation, the two of them decided that the Lambeau Field issue could be very effective against Senator Drzewiecki. Mr. Walter acknowledged that he ended up doing a significant amount of work on the campaign in the 30th Senate District including crafting the central message of the campaign and general strategy advice.

PARAGRAPH 113:

...Mr. Walter acknowledged that as election day approached the majority of the work done in the caucus office by himself and Ms. Kloiber was in furtherance of the Hansen campaign.

PARAGRAPH 119:

Mr. Walter testified that going forward from June of 2000, approximately 40% of his time at the caucus was spent working on the Hansen campaign. Mr. Walter further testified that the defendant was aware of what he was doing for the Hansen campaign and aware of the kind of time it takes to do those things....

PARAGRAPH 138:

... Mr. Wadd stated that, typically, from June to November of an election year, the entire staff of Senate Democratic Caucus was so absorbed in campaign work that no legitimate policy work was ever discussed.

- 3. To prohibit the State from attempting to introduce evidence for the purpose of suggesting or arguing that purportedly improper campaign work occurred on “state time” merely because it is alleged to have been during hours or on certain days, e.g., 9:00 A.M. – 5:00 P.M., Monday through Friday.**

Counts 7 – 10 allege that the Defendant violated Wis. Stats. § 946.12(3). A key element of the statute is the violation of an official duty. The Senate Policy Manual, itself, establishes that legislative staff had no duty to meet their employment obligations during any particular hours or any particular days. Indeed, in establishing a requirement of an “average” forty hour week and in specifying that scheduling of work was discretionary, the Senate Policy Manual makes it clear that legislative staff can engage in official work on an irregular schedule and at any time of the day and on any day of the week. For example, during the budget and at other times during the session caucus employees might work almost around the clock. To permit the State to attempt to introduce evidence or argue to the contrary would directly conflict the rule established under the Senate Policy Manual and Wis. Stats. § 946.12(2).

In addition, the suggestion that so-called typical business hours are relevant to the question of whether allegedly improper work was done on State time would be fundamentally misleading and would violate the doctrine of separation of powers as well

as Art. IV, § 8 of the Wisconsin constitution, the rules making provision, which shields the Senate's internal rules from executive and judicial reinterpretation. The Senate has long established that employees' obligations can be fulfilled on a discretionary basis at any time, so long as full-time employees "work a minimum average of forty hours per week." If this requirement was met, staff members met their obligation to the Senate and the public and the State would not be permitted to suggest or argue otherwise.

4. Motion to prohibit Mr. Winchell from giving opinions about illegality of contributions.

The complaint alleges as follows:

PARAGRAPH 232:

Mr. Winchell further stated he received numerous contributions to On Wisconsin Issues Inc. which he had not solicited. After Columbia Correctional Facilities or some similarly named organization made an unsolicited contribution of \$5,000, Mr. Winchell sought an explanation from Mr. Gussert. Mr. Gussert stated words to the effect "that's the Stanley Prison issue."

PARAGRAPH 233:

These two conversations - the Eric Peterson conversation and Andrew Gussert conversation - made Mr. Winchell uncomfortable. He believed "a line had been crossed, and that in order to maintain separation and to maintain legality" he divested himself from expending On Wisconsin Issues Inc. funds. He turned over control of the expenditures to the independent control of political consultant Kent Fitch.

Mr. Winchell has not been named as an expert. His opinions regarding the illegality of the above contributions and that "a line had been crossed" is neither competent nor relevant. The fact that he was uncomfortable about the contribution is not relevant to any issue before this court and is only offered to prejudice Chvala.

5. Motion to prohibit Mr. Burnett from expressing opinions regarding meaning of coordinated expenditures and legality of independent expenditures.

Mr. Burnett expresses numerous opinions about the legality and meaning of coordinated expenditures. An understanding of coordinated expenditures requires specialized knowledge as it is a term of art.

Mr. Burnett has neither been named nor qualified as an expert. Therefore, he must be barred from expressing any opinions concerning coordinated expenditures.

PARAGRAPH 236:

Complainant reviewed the report which Investigator Aaron Weiss prepared of his interview with Douglas Burnett on October 16, 2002. Mr. Burnett stated as follows. He has been the chief of staff for defendant's legislative office for approximately nine years. After reviewing a preliminary draft of this criminal complaint, Mr. Burnett acknowledged the allegations set forth regarding Counts 12-16 and 20 above are substantially accurate and true. Mr. Burnett stated that, during 2000, defendant did coordinate the campaign of Sen. Mark Meyer with the pro-Meyer campaign of Independent Citizens for Democracy (PAC). Mr. Burnett further stated, that during 2001 to present, defendant and Mr. Burnett conspired to operate ICD-Issues Inc (2001) for the purpose of unlawfully violating campaign finance laws.

PARAGRAPH 237:

In addition to the matters set forth above, Mr. Burnett stated, during 2000, that he and defendant coordinated the campaign of Sen. Alice Clausing with the pro-Clausing campaign of Independent Citizens for Democracy (PAC), and, that he and defendant likewise coordinated the campaign of Sen. Dave Hansen with the pro-Hansen campaign of Independent Citizens for Democracy (PAC).

PARAGRAPH 238:

...Mr. Burnett further stated he and defendant knew, and together discussed, that it was unlawful for defendant to direct the campaigns of both a Senate candidate and an "independent" group expending money to reelect the same Senate candidate.

PARAGRAPH 250:

...Defendant and Mr. Burnett planned to spend ICD-Issues Inc. (2001) monies in coordination with Democratic candidates, and to use the SDC employees as agents within the Democratic candidate campaigns to assist in coordinating the Senate campaigns with ICD-Issues Inc.(2001). Defendant and Mr. Burnett knew such coordinated campaigning would be unlawful...

PARAGRAPH 255:

Mr. Burnett further stated he and defendant intentionally kept their control of the above described "independent" groups secret from the Senate candidates, such as Senators Meyer, Hansen, and Clausen. They also kept the coordination secret from SDC staff running the senators campaigns. Mr. Burnett stated he and defendant did not wish anyone but themselves to know of their coordinated campaigning. They knew the activity was unlawful, and wished to have no witnesses who knew of the coordination. Mr. Burnett stated that defendant is a lawyer, and when he was engaged in unlawful campaign coordination, he was acutely aware of how to limit the witnesses and proof of his wrongdoing.

6. Motion to prohibit all witnesses from expressing opinions concerning other people's thoughts and knowledge.

There were also numerous references in the complaint concerning what Senator Chvala meant when he said certain things and what he must have known. Only Senator Chvala can tell what he meant by what he said. It is inadmissible for a person to speculate as to the meaning. The witness must be required to limit their testimony to the words actually spoken, not his interpretation of them.

PARAGRAPH 45:

Investigator Bisswurm spoke to Michael Bright who told her that he had worked in government and public affairs for 14 years and is currently a registered lobbyist. Mr. Bright stated that he has had numerous contacts with the defendant over the years. Bright stated that one of the defendant's classic lines was "I don't have a relationship with them," which Bright stated means that the person or group in question hasn't given the defendant money. Your complaining witness states that he has spoken to other lobbyists who also stated the defendant's use of the term "relationship" primarily means giving money.

PARAGRAPH 48:

During these meetings, the defendant continually told Mr. Bright that he had no relationship with Midwest Express. Mr. Bright believed that what the defendant meant was that Midwest Express had not made campaign contributions to the defendant or met several times with the defendant.

PARAGRAPH 95:

...Mr. Gussert stated that from July through November of an election year other legislators knew not to request things from the SDC because the organization switched over to a campaign machine at that time.

Mr. Gussert is not a competent witness to testify what 17 – 18 Senators knew.

PARAGRAPH 98:

...The only thing that the defendant told him was to make sure that SDC employees took vacation or compensatory time if they were seen by outside people working on campaigns. The defendant was concerned about getting caught and did not appear to be concerned about the fact that it was wrong to have State employees working on campaigns while on State time.

Mr. Gussert is not a competent witness to state what concerned Senator Chvala.

PARAGRAPH 256:

Regarding misuse of SDC employees, Mr. Burnett stated as follows. Defendant routinely directed SDC employees to perform campaign work during both the 1998 and 2000 election Wisconsin State Senate campaigns. Mr. Burnett further stated that, given all the surrounding circumstances, defendant must have known SDC employees were doing this work in the course of their State of Wisconsin employment.

The opinion that Senator Chvala must have known that SDC employees were doing campaign work in the course of their State of Wisconsin employment is inadmissible for several reasons. First, there is no indication that Douglas Burnett knew whether the SDC employees were doing campaign work on compensatory time, vacation time, or leave time, since campaign work on that time is proper. Next there is no way that Douglas Burnett could have known whether Senator Chvala knew that the

SDC employees were not doing campaign work on compensatory time, vacation time, or leave time. In addition, for the work to be a misuse of time it must have no conceivable legislative purpose. Douglas Burnett has not identified what the campaign work was and therefore cannot conclude that doing such activities was improper. Finally, a blanket statement that conceivably covers all the employees mentioned in the complaint is so broad that Douglas Burnett could not possibly know the tasks all such employees performed, the amount of time spent on such tasks and the amount of compensatory time, vacation time, or leave time spent on each task.

7. Motion to prohibit the presentation of any proof suggesting in any way that Sen. Chvala engaged in money laundering or in opining that using corporate money in elections is illegal.

There are accusations in the complaint that Senator Chvala was engaged in money laundering. Money laundering is when a person gives money to another person or entity with the purpose that the recipient will use the money to make an expenditure for a particular campaign.

To prove money laundering the prosecution would have to prove that money was given to a particular organization with the understanding that that money would be used for a particular purpose (i.e. used in a campaign). That would require proof that the recipient agreed to use the money as desired by the donor and that the funds were used as requested by the donor. Nowhere in the complaint nor in the John Doe materials is there any such proof. Furthermore, the State has not listed any of the recipients of the money as witnesses. In addition, the State has not charged any of the donors with money laundering.

The recipients in the two instances were the Democratic Legislative Campaign Committee (DLCC), a Washington organization supporting Democrats in State legislative races and the Kansas Democratic Party. According to the complaint the DLCC forwarded \$292,000 to the Independent Citizens for Democracy-PAC in 2000. In 2001 one of Mr. Broyderick's clients forwarded \$40,000 to the DLCC. (Paragraph 171) The Kansas Democratic Party sent \$4,000 to the Wisconsin Democratic Party and received \$25,000.00.(paragraphs 221,223) This shows that there was no scheme to launder money.

Finally, the source of the mentioned campaign contributions is not relevant to any count charged. In addition, there was nothing illegal in connection with the contributions.

Thus, the state wants to suggest to the jury that Chvala was involved in money laundering without any proof that he was. This is grossly unfair and prejudicial to Chvala.

PARAGRAPH 168:

...The defendant specifically stated that Mr. Bright's clients could keep their political contributions "under the radar" by directing monies "across the Potomac" to the DLCC.

PARAGRAPH 170:

...Mr. Broydrick described the defendant's chosen political committees as "laundromats," meaning in Mr. Broydrick's words, the "money goes through a washing machine and it comes out clean."

PARAGRAPH 171:

Mr. Broydrick further stated the defendant specifically requested Mr. Broydrick's clients donate to the DLCC. Mr. Broydrick noted the DLCC funneled \$292,000 to Independent Citizens for Democracy (PAC) in 2000. Mr. Broydrick's clients contributed monies to the DLCC. Mr. Broydrick sometimes

delivered these contribution checks to the defendant's office. For example, Ameritech made a \$40,000 contribution to the DLCC during the 2001 legislative budget cycle. Mr. Broydrick believes he handed this check to the defendant so that the defendant would be immediately aware of Ameritech's contribution.

PARAGRAPH 220:

Complainant was present when Mark Williamson testified at a John Doe hearing in Dane County case 01JD-06. Mr. Williamson stated as follows. In 1998, he was an executive and registered lobbyist for Madison Gas and Electric. He frequently spoke with the defendant regarding Madison Gas and Electric contributing to Wisconsin Senate Democratic interests. The defendant advised that Madison Gas & Electric could route money to the Kansas Democratic Party, and that such contributions would be "helpful" to the defendant. In response to the defendant's comments, Mr. Williamson forwarded the below three checks to the Kansas Democratic Party. Mr. Williamson knows corporate coffer contributions to political candidates and political committees are forbidden by law within the State of Wisconsin.

PARAGRAPH 221:

Complainant reviewed copies of the following checks issued by Madison Gas and Electric subsidiaries to the Kansas Democratic Party: check 2561 dated October 20, 1998 from MAGAEL Inc. to the Kansas Democratic Party for \$5,000; check 1650 dated October 20, 1998 from Great Lakes Energy Corporation to the Kansas Democratic Party for \$15,000; and check 1091 dated October 20, 1998 from Central Wisconsin Development Corporation to the Kansas Democratic Party for \$5,000.

PARAGRAPH 223:

Complainant reviewed a campaign finance report dated April 7, 1998 which Mr. Boeder filed on behalf of Future Wisconsin with the State of Wisconsin Elections Board. The report shows Dennis Langley of Leawood, Kansas gave \$4,000 to Future Wisconsin on April 1, 1998. Dennis Langley was chairman of the Kansas Democratic Party when he made this contribution.

PARAGRAPH 224:

The above examples of contributions to, and from, the Kansas Democratic Party, suggests an ongoing scheme of reciprocal transfers of campaign money.

Paragraph 220 is further objectionable because Mark Williamson is quoted as saying that " Mr. Williamson knows corporate coffer contributions to political candidates

and political committees are forbidden by law within the State of Wisconsin.” This should be barred for two reasons. First, Mr. Williamson has not been identified as an expert. In addition, corporate coffer contributions can be made to independent expenditure groups for use in issue ads. Elections Bd. of State of Wis. v. Wisconsin Mfgs. & Commerce, 227 Wis.2d 650, 655, 664-666, 597 N.W.2d 721 (1999). In fact contributions for issue ads need not even be reported.

8. Motion to prohibit the presentation of any proof that Senator Chvala sought political contributions in exchange for legislative action unless the crime is charged or been allowed by the court on motion to permit other act proof.

The prosecution submitted a Whitty motion to permit the use of “other act” proof.

The court ruled on that motion. The complaint alleges the following:

PARAGRAPH 174:

... Mr. Broydrick noted, when Ameritech donated the above \$40,000, the Senate version of the 2001 budget included a tax provision highly unfavorable to Ameritech. Mr. Broydrick discussed Ameritech's desire to remove the unfavorable tax provision with the defendant. After Ameritech made the above \$40,000 contribution, the unfavorable tax provision was removed from the budget bill by the legislative conference committee.

This suggests that Senator Chvala removed an unfavorable item from the budget in exchange for a \$40,000.00 donation. This is highly prejudicial. If the prosecution wants to use this proof to show that Chvala used his position as Senate Majority Leader it should have brought on a motion to get court approval to submit this proof. If the prosecution is not attempting to use it to suggest an illegal practice by Senator Chvala then the proof is irrelevant. The prosecution should not be permitted to make innuendoes that suggest illegal activity when they cannot prove illegal activity.

9. Motion to prohibit the presentation of any proof related to Count 11 of the original complaint that has been dismissed.

Count 11 of the original complaint reads:

COUNT 11: UNLAWFUL POLITICAL CONTRIBUTIONS

In June of 2000, at 44 E Mifflin Street, City of Madison, Dane County, the above named defendant did intentionally furnish funds to Lance Walter for the purpose of making a political contribution in other than the defendant's own name, contrary to Wisconsin Statutes sections 11.24(1) and 11.61(1).

PARAGRAPH 124:

Your complaining witness states that he has reviewed testimony provided by Mr. Walter, and Mr. Walter testified that in late June or early July of 2000 Mr. Walter went to the defendant's law office located at 44 East Mifflin Street in the City of Madison, County of Dane. Mr. Walter testified that when he traveled up to the 30th Senate District, it was common for the defendant to ask Mr. Walter to pick up checks to convey to the Hansen campaign. On this particular occasion, however, the defendant handed Mr. Walter an envelope containing over \$1,500 in cash. The defendant handed the envelope to Mr. Walter and told Mr. Walter that it was money that was raised for Senator Hansen by a group who passed the hat for him. The defendant instructed Mr. Walter to make sure that this money got up to Green Bay and into the campaign account. Mr. Walter testified that he subsequently opened the envelope and it contained a series of bills, fives, ones, tens and twenties. He proceeded to count the money and determined that it exceeded \$1,500.

PARAGRAPH 125:

Mr. Walter stated that he discussed this situation with Wendy Kloiber and that they were both very uncomfortable but felt that the campaign was strapped and they had been working incredibly hard on it. Mr. Walter stated that he then took \$1,000 of the cash and deposited into his own bank account and gave the remaining funds to Wendy Klobier for the purposes of having her deposit it into her bank account. Mr. Walter stated that he then transferred the \$1,000 from his personal account to a joint account held by his wife and had his wife write a \$1,000 check to the Dave Hansen campaign. Mr. Walter stated that he did this because he was trying not to tie the Dave Hansen campaign to the defendant in any way.

PARAGRAPH 126:

Mr. Walter identified a deposit slip from the State Capitol Employees Credit Union dated July 3, 2000 reflecting a deposit of \$1,000 cash. Mr. Walter indicated that this was the cash given to him by the defendant. After having transferred the money along with some other funds into a joint account he asked his wife to sign a check to the Hansen campaign. Mr. Walter stated that to the best of his knowledge the monies that exceeded \$1,000 were deposited by Wendy Kloiber into her account and subsequently contributed to the Hansen campaign. Mr. Walter indicated that he did not raise his concerns with the defendant about receiving and handling of the cash. He stated that when he received the money in the envelope, he did not realize how much was there and when he did open it and count it, he did not feel comfortable questioning the defendant about the funds. Mr. Walter further stated that when he counted the funds, the bills were in denominations of 5\$, \$10, and \$20 bills,

PARAGRAPH 127:

Your complaining witness states that he spoke with Wendy Kloiber, and Ms. Kloiber informed him that she was approached by Lance Walter who told her that the defendant had been at a union rally and collected contributions. Mr. Walter gave her \$630 in cash and told her that he was unable to contribute the money to the Hansen campaign because he was already at the \$1,000 limit for the year. Ms. Kloiber stated that she then deposited the \$630 given to her by Mr. Walter into her account and shortly thereafter wrote out a \$750 check to the Dave Hansen campaign. Your complaining witness states that bank records from the UW Credit Union confirm that on June 29, 2000 Ms. Kloiber deposited \$630 cash into her checking account.

PARAGRAPH 128:

Your complaining witness states that bank records from the State Capitol Employees Credit Union confirm the transfer made by Mr. Walter and the check signed by Sue Sabatke made payable to the Hansen campaign in July of 2000.

PARAGRAPH 129:

Your complaining witness states that Wisconsin Statutes Section 11.26(2)(b) limits the amount of money that can be contributed to candidates for state senate to \$1,000 per election campaign. Chapter 11 also requires that contributions over \$10 be recorded and that any contribution of over \$50 may not be made in cash. Your complaining witness states that during his investigation he received information that the defendant was involved in hundreds of fundraising solicitations for numerous candidates, committees and independent expenditure groups. Therefore, your complaining witness believes that when the defendant gave more than \$1600 in cash to Lance Walter he

would have known that it was illegal for Mr. Walter to contribute the money in his own name.

This count was dismissed by Judge Moeser. (Slip Opinion 2/4/03, Pages 5 – 6) The Defendant believed that this ended the matter and that there would be no further mention of the above facts. However, the State has named Lance Walter's wife, Sue Sabatke as a witness in this case. The only reference in the John Doe record to Ms. Sabatke is the above incident and therefore there is a concern that the State might be attempting to use the above evidence, even though the count has been dismissed. The defendant cannot fathom any way that the above facts might be relevant to any of the remaining counts and therefore requests an order prohibiting the use of the above evidence at trial.

10. Motion to prohibit all evidence regarding fund-raising related to Counts 12-20(Unlawful Campaign Contributions) and therefore exclude as evidence all campaign funding referenced in paragraphs 168-233 as evidenced by checks, bank records, or witness testimony and to exclude witnesses.

1. Michael Bright (except as to other acts proof previously ruled on by the court)
2. William Broyderick
3. Patrick Essie
4. Walter Kunicki
5. Ron Antonneau
6. Tony Driessen
7. Greg Everts
8. Lee Fanshaw
9. Tom Hanson
10. Robert Bartlett
11. Mark Williamson
12. Thomas Winchell
13. Kent Fitch

The criminal complaint contains a section entitled **PROBABLE CAUSE AS TO COUNTS 12 – 20 (UNLAWFUL CAMPAIGN COORDINATION)**. This section begins at

Paragraph 130 and continues through Paragraph 255. However, Paragraphs 168 – 233 deal almost exclusively with fund-raising activities involving Senator Chvala.

This evidence is not relevant under Wis. Stats. § 904.02 and Wis. Stats § 904.03. The violation of the coordinated expenditure relates to coordination of expenditures between an independent expenditure group and a campaign. How the money was raised is not an element of the offense. See *Wisconsin Coalition for Voter Participation, Inc. v. State of Wisconsin Elections Board*, 231 Wis.2d 670, 605 N.W.2d 654 (1999); *Federal Election Commission v. The Christian Coalition*, 52 F. Supp. 2d 45 (1999). Therefore, all references relating to the fund-raising activities for the independent expenditure groups is irrelevant.

Furthermore, many of the allegations of the complaint suggest, without alleging, that Chvala was involved in a money-laundering scheme. For example, contributions were made to the Democratic Legislative Campaign Committee (DLCC) in Washington, D.C. Thereafter, at some later date the DLCC made a contribution to the Independent Citizens for Democracy.

The evidence would show that the DLCC is an organization that raises funds nationwide and subsequently contributes funds to assist state Democratic legislative candidates in key races. It is comparable to numerous other groups such as the National Rifle Association, Emily's List and Republican groups such as the RNC. There is no evidence that there was any agreement that money raised from Wisconsin donors would be returned to Wisconsin.

However, the bottom line is that evidence of such fund-raising is not relevant to any count charged. The sole purpose in using such evidence is to attempt to prejudice

Senator Chvala in the eyes of the jury that he was involved in some illicit fund-raising scheme.

If the purpose of the allegations is to prove that Senator Chvala was engaged in fund-raising for Independent Citizens For Democracy – PAC and Independent Citizens For Democracy – Issues, Chvala so stipulates. This stipulation forecloses the admissibility of the evidence outlined in Paragraphs 168 – 233 and will shorten the trial.

The State has moved to have other acts evidence allowed regarding certain witnesses. None of the witnesses in Paragraphs 168 – 233, with one exception, has been subject to such a motion.

Included below are the paragraphs of the allegations concerning unlawful campaign coordination that deal with fundraising.

PROBABLE CAUSE AS TO COUNTS 12 – 20 (UNLAWFUL CAMPAIGN COORDINATION):

PARAGRAPH 168:

Complainant reviewed a summary which Investigator Bisswurm prepared of her interview with Michael Bright. Mr. Bright stated as follows. Mr. Bright is a registered lobbyist who owns and operates the firm of Bright Consulting Inc., Madison, WI. The defendant invited Mr. Bright to the defendant's law office during various legislative budget cycles. In these meetings, the defendant reviewed Mr. Bright's clients' political donation track record, and then asked for Mr. Bright's clients to make political contributions to Democratic interests. Sen. Chvala listed political candidates and political committees he wanted to receive monies. The defendant specifically stated that Mr. Bright's clients could keep their political contributions "under the radar" by directing monies "across the Potomac" to the DLCC.

PARAGRAPH 169:

Mr. Bright stated the defendant also identified Independent Citizens for Democracy (PAC) as a group to which Mr. Bright's clients should contribute. The defendant named Tom Boeder as the contact person for Independent Citizens for Democracy (PAC). Mr. Bright provided his contemporaneous notes recording the defendant's statements about Independent Citizens for

Democracy (PAC).

PARAGRAPH 170:

Complainant was present when Milwaukee County District Attorney E. Michael McCann questioned William Broydrick at a John Doe hearing in Dane County Case No. 01-JD-6. Mr. Broydrick stated as follows. He is a registered lobbyist and presently operates the largest lobbying firm in the State of Wisconsin. Mr. Broydrick has attended numerous political fund raising meetings with the defendant. The defendant asked for contributions to certain specific political committees. Mr. Broydrick described the defendant's chosen political committees as "laundromats," meaning in Mr. Broydrick's words, the "money goes through a washing machine and it comes out clean."

PARAGRAPH 171:

Mr. Broydrick further stated the defendant specifically requested Mr. Broydrick's clients donate to the DLCC. Mr. Broydrick noted the DLCC funneled \$292,000 to Independent Citizens for Democracy (PAC) in 2000. Mr. Broydrick's clients contributed monies to the DLCC. Mr. Broydrick sometimes delivered these contribution checks to the defendant's office. For example, Ameritech made a \$40,000 contribution to the DLCC during the 2001 legislative budget cycle. Mr. Broydrick believes he handed this check to the defendant so that the defendant would be immediately aware of Ameritech's contribution.

PARAGRAPH 172:

When questioned whether such DLCC donations were earmarked for return to Wisconsin, Mr. Broydrick replied as follows. As a matter of routine, the defendant wanted DLCC contribution checks to be physically routed through the defendant. The defendant would thereby "get credit for them."

PARAGRAPH 173:

Complainant reviewed a copy of check number 5000095126. The check is drafted in the amount of \$40,000 from SBC/Ameritech to the DLCC, Washington, D.C. and is dated July 9, 2001.

PARAGRAPH 174:

Mr. Broydrick stated, over the past several years, he was unaware of any legislation passing over the defendant's objection. Mr. Broydrick noted, when Ameritech donated the above \$40,000, the Senate version of the 2001 budget included a tax provision highly unfavorable to Ameritech. Mr. Broydrick discussed Ameritech's desire to remove the unfavorable tax provision with the defendant. After Ameritech made the above \$40,000 contribution, the

unfavorable tax provision was removed from the budget bill by the legislative conference committee.

PARAGRAPH 175:

Mr. Broydrick described Ameritech making another donation of \$40,000 to the DLCC in early 2002.

PARAGRAPH 176:

Mr. Broydrick also stated the defendant specifically identified Independent Citizens for Democracy (PAC) as a group to which Mr. Broydrick's clients should contribute. Referring to Independent Citizens for Democracy (PAC), the defendant stated "these people do good things." In response to the defendant's solicitation, Mr. Broydrick had his clients give to Independent Citizens for Democracy (PAC). For example, at Mr. Broydrick's advice, Plumber Local 75 gave \$5,000 to Independent Citizens for Democracy (PAC).

PARAGRAPH 177:

Deposit records for Heartland Credit Union checking account 500289 confirm Plumbers Local 75 contributed \$5,000 to Independent Citizens for Democracy (PAC) on September 29, 2000.

PARAGRAPH 178:

Mr. Broydrick further stated he received telephone calls from Mr. Boeder requesting Mr. Broydrick's clients give to Independent Citizens for Democracy (PAC). When asked whether he believed Mr. Boeder's group acted independently from the defendant, Mr. Broydrick stated, based upon his long experience in politics, "It's inconceivable that these are actually arm's length transactions."

PARAGRAPH 179:

Complainant interviewed Andrew Gussert. Mr. Gussert stated as follows. He served as the director of the Senate Democratic Caucus throughout 2000. He extensively discussed and planned, with the defendant, the 2000 Democratic campaigns for the Wisconsin State Senate. Those discussions included analyses of independent political groups' impact upon the election. For example, Mr. Gussert and the defendant extensively talked about the independent expenditures of Wisconsin Education Association Council (WEAC) on the 2000 election races for Wisconsin Senate.

PARAGRAPH 180:

In contrast, Mr. Gussert stated the defendant made it clear they did not want to discuss Independent Citizens for Democracy (PAC) with Mr. Gussert. Mr. Gussert knew Independent Citizens for Democracy (PAC) was an important political advertiser in the 2000 Senate election. Referring to Independent Citizens for Democracy (PAC), Mr. Gussert found it strange that, in his words, "there was an 800 pound gorilla in the room" but the defendant did not want to discuss it with Mr. Gussert. Mr. Gussert concluded, from this circumstance, the defendant had some secret control or contact with Independent Citizens for Democracy (PAC). Defendant's conspiracy to violate campaign finance laws through Independent Citizens for Democracy-Issues (2001)

PARAGRAPH 181:

The defendant similarly used Mr. Boeder, as an unknowing co-conspirator, to operate Independent Citizens for Democracy-Issues, Inc. (hereinafter "ICDIssues Inc. (2001)") in 2001-2002. The circumstances surrounding the formation and operation of ICD-Issues Inc. (2001) show the defendant intended to use the organization to make unlawful in kind contributions to Democratic candidates. Just as the defendant misused Independent Citizens for Democracy (PAC) during the 2000 Wisconsin State Senate, he likewise intended and agreed to misuse ICD-Issues Inc. (2001) in the 2002 Wisconsin State Senate election. [Count 20]

PARAGRAPH 182:

Complainant reviewed the Articles of Incorporation which ICD-Issues Inc. (2001) filed with Wisconsin Department of Financial Institutions. The Articles of Incorporation show ICD-Issues Inc. (2001) was incorporated on April 24, 2001. Tom Boeder, Sarah Benedict, and Tom Winchell are listed as the board of directors.

PARAGRAPH 183:

A news article dated July 11, 2002 in The Capital Times of Madison, Wisconsin reported Ms. Benedict is a former member of the defendant's legislative staff.

PARAGRAPH 184:

Complainant questioned Mr. Boeder concerning his involvement with ICDIssues Inc. (2001). Mr. Boeder stated as follows. Mr. Burnett recruited Mr. Boeder to establish ICD-Issues Inc. (2001). Mr. Burnett told Mr. Boeder the organization would serve as a receptacle for corporate donations. The money would then be used to disseminate issue advertisements favoring Democratic

candidates for Wisconsin State Senate in 2002.

PARAGRAPH 185:

Mr. Boeder provided his handwritten notes he made during conversations with Mr. Burnett about the formation of ICD-Issues Inc. (2001). The notes include draft language for a statement of ICD-Issues Inc. (2001)'s political purpose. This language was ultimately incorporated into a one-page statement entitled "Fact Sheet". Mr. Boeder used this statement as his primary written advertisement when fundraising for ICD-Issues Inc. (2001). Mr. Burnett suggested much of the language comprising the Fact Sheet.

PARAGRAPH 186:

The ICD-Issues Inc. (2001) Fact Sheet states, in part, as follows:
"ICD-Issues, Inc...will focus exclusively on issues related to the State Senate and will not get involved in any other issues." "ICD-Issues Inc. Inc. can accept soft money donations. Hard money, or PAC, contributions can be made to ICD PAC." (Emphasis added.) The underscored excerpt shows ICD-Issues Inc. (2001) and Independent Citizens for Democracy (PAC) were operated in conjunction with each other.

PARAGRAPH 187:

Mr. Boeder further stated he conducted fundraising for ICD-Issues Inc. (2001) in the same fashion as fundraising for Independent Citizens for Democracy (PAC). Mr. Burnett provided lobbyist and industry representative names for Mr. Boeder to solicit. Mr. Burnett also told Mr. Boeder how much money to request from these sources. Mr. Boeder found the named sources to be readily forthcoming with large contributions of as much as \$75,000.00 individually. Thee solicitation leads Mr. Burnett provided were the only persons Mr. Boeder contacted for contributions.

PARAGRAPH 188:

Mr. Boeder provided his contemporaneous notes of his telephone conversations with Mr. Burnett. In those conversations, Mr. Burnett told Mr. Boeder whom to solicit for contributions to ICD-Issues Inc. (2001). The notes list lobbyist names and dollar amounts to solicit. Mr. Boeder's notes include the following lobbyist names in reference to the industries and/or organizations shown in parentheses: Patrick Essie (Distilled Spirits Council of the United States), Joseph Strohl (Dominion), Walter Kunicki (WEPCO), Mark Williamson (Madison Gas and Electric), Ron Antonneau (Wisconsin Public Service Corporation), Bill Broyderick (Ameritech), Eric Peterson (liquor wholesalers, road builders), Tony Driessen (MCI-Worldcom), Greg Everts (Wal-Mart), Lee Fanshaw (American Family Insurance), and many others.

PARAGRAPH 189:

Complaint reviewed copies of bank records which Heartland Credit Union, 555 W. Washington Street, Madison, Wisconsin maintains in the ordinary course of business for checking account number 569540 in the name of "Independent Citizens for Democracy-Issues Inc." The records show the following checks were deposited into the ICD-Issues Inc. (2001) account: check 031064 dated June 1, 2001 from Madison Gas and Electric Company for \$75,000; check 0002661 dated June 5, 2001 from Wisconsin Energy Corporation for \$50,000; check 000101600 dated June 7, 2001 from PG & E Energy Group for \$25,000; check 030572 dated June 1, 2001 from Dominion Asset Services, LLC. for \$50,000; check 030573 dated July 1, 2001 from Dominion Assets Services, LLC for \$75,000; checks 021278, 023685, 023026 from Distilled Spirits Council of the United States totaling \$75,000; check 1858 dated June 12, 2001 from Rime Management Group, Inc. for \$10,000; check 51874 dated September 7, 2001 from Philip Morris Management Corp. for \$20,000; check 334701 dated June 19, 2001 from American Family Mutual Insurance Company for \$20,000; and many other high dollar checks from special interests. In total, the Heartland Credit Union account records show ICD-Issues Inc. (2001) amassed \$633,781.58 as of March 31, 2002.

PARAGRAPH 190:

Complainant reviewed a copy of the defendant's legislative office calendar. The calendar shows the defendant met with lobbyists at his law firm during May and June 2001. These meetings frequently correlate with donations ICD-Issues Inc. (2001) received.

PARAGRAPH 191:

For example, the defendant was scheduled to meet with Lee Fanshaw on June 8, 2001. Lee Fanshaw is an executive and registered lobbyist for American Family Mutual Insurance Company. On June 18, 2001, American Family Mutual Insurance Company gave \$20,000 to ICD-Issues Inc. (2001).

PARAGRAPH 192:

As another example, the defendant was scheduled to meet with Tom Hanson on May 30, 2001. Tom Hanson is a registered lobbyist for Dairyland Greyhound Park, Inc. On June 12, 2001, Rime Management Group gave \$10,000 to ICD Issues Inc. (2001). Rime Management Inc. owns Dairyland Greyhound Park.

PARAGRAPH 193:

As another example, the defendant was scheduled to meet with Robert Bartlett on June 28, 2000. Mr. Bartlett is a registered lobbyist and president of

the Petroleum Marketers Association of Wisconsin. On July 12, 2001, U.S. Oil Co., Inc., Riiser Energy, and Quality State Oil Co., Inc. all gave \$5,000 each to ICD-Issues Inc. (2001). Each of these corporations is a member of the Petroleum Marketers Association of Wisconsin.

PARAGRAPH 194:

As another example, the defendant was scheduled to meet jointly with Joe Strohl and John Matthews on May 16, 2001. Mr. Strohl and Mr. Matthews are registered lobbyists for Dominion Assets Services LLC. On June 1, 2001, Dominion Asset Services LLC gave \$50,000 to ICD-Issues Inc. (2001). Complainant knows Dominion Asset Services, LLC is the owner of the private prison in Stanley, Wisconsin.

PARAGRAPH 195:

At the time the above contributors met with the defendant and gave to ICDIssues Inc. (2001), they each had special interest legislation pending as part of the 2001-2003 Wisconsin State Budget. American Family Insurance had an interest in a budget amendment to build a bridge in Burke, Wisconsin. Dairyland Greyhound Park was to benefit from a budget amendment allowing dog track owners to retain unclaimed winnings. The Petroleum Marketers Association of Wisconsin strongly opposed a budget amendment repealing the gasoline minimum mark-up law. Dominion Assets Services LLC owned the Stanley Prison, and sought a budget amendment funding the State of Wisconsin's purchase of the prison.

PARAGRAPH 196:

Mr. Boeder's ICD-Issues Inc. (2001) notes show Mr. Burnett directed Mr. Boeder to solicit the same lobbyists that met with the defendant. The notes read as follows: "Lee Fanshaw, American Family Ins., appropriate, not traditionally new territory"; "Tom Hanson- 2 letters - fax - cable, dog track, 6/12, Wed will have check, Dairyland -> 10K tomorrow to pick up" "Robert Bartlett fax (608) 256-7666"; and "John Matthews, Dominion, 258-4787, 150K, left message" The above comparison of the defendant's calendar, Mr. Boeder's notes of the fundraising leads Mr. Burnett suggested, and the contribution checks to ICD Issues Inc. (2001), show a working relationship among those parties.

PARAGRAPH 197:

Complainant was present when Patrick Essie testified at a John Doe hearing in Dane County case 01JD-06. Mr. Essie stated as follows. He is a lobbyist for Distilled Spirits Council of the United States (DISCUS). He had a fundraising meeting with the defendant in spring of 2001 wherein the defendant discussed what monies Mr. Essie's clients could contribute to Senate

Democratic candidates interests. The defendant advised there was an organization which could receive corporate coffer monies from Mr. Essie's clients. The defendant stated Mr. Burnett could provide more information about this organization. Shortly thereafter, Mr. Burnett called Mr. Essie. Mr. Burnett referred Mr. Essie to Tom Boeder and ICD-Issues Inc. (2001). Mr. Essie spoke with Mr. Boeder, and made commitments that DISCUS would make a series of contributions to ICD-Issues Inc. (2001). At Mr. Essie's advice, DISCUS did thereafter contribute a total of \$85,000 to ICD-Issue (2001). Mr. Essie assumed the defendant would be informed of these contributions.

PARAGRAPH 198:

Complainant interviewed Walter Kunicki. Complainant also reviewed a transcript of Mr. Kunicki's testimony at a John Doe hearing in Dane County case 01JD-06. Mr. Kunicki stated as follows. Mr. Kunicki is an executive and registered lobbyist with Wisconsin Energy Corporation. In April or May of 2001, he had a fundraising meeting with the defendant. The defendant told Mr. Kunicki he wanted Wisconsin Energy Corporation to contribute to ICD-Issues Inc. (2001). The defendant stated the contribution should be in the amount of \$100,000. Mr. Kunicki replied Wisconsin Energy Corporation might be able to contribute \$50,000 immediately and \$50,000 the next year. The defendant stated Tom Boeder would contact Mr. Kunicki concerning these contributions.

PARAGRAPH 199:

Mr. Kunicki further stated Mr. Boeder thereafter telephoned him. Mr. Boeder requested a contribution of \$100,000 from Wisconsin Energy Corporation. Mr. Kunicki agreed to \$50,000 immediately with the prospect of an additional \$50,000 the next year.

PARAGRAPH 200:

Mr. Kunicki further stated he received a follow up telephone call from the defendant. The defendant reiterated the amount he expected Wisconsin Energy Corporation to contribute to ICD-Issues Inc. (2001) was \$100,000.

PARAGRAPH 201:

Mr. Kunicki provided a copy of check number 00022611 dated June 5, 2001 in the amount of \$50,000 from Wisconsin Energy Corporation to "Independent Citizens for Democracy, Attn: Tom Boerner" (sic).

PARAGRAPH 202:

Mr. Kunicki further stated that, at the time the defendant made the above solicitations, legislation known as "Power the Future" was pending before the

Wisconsin legislature. This legislation was very important to Wisconsin Energy Corporation.

PARAGRAPH 203:

Complainant interviewed Greg Everts. Mr. Everts stated as follows. He is an attorney with the law firm of Quarles & Brady, Madison, WI. He is not a registered lobbyist, but did some limited lobbying on behalf of his client Wal-Mart in 2001. On April 26, 2001, Mr. Everts met with the defendant to discuss Wal-Mart's interest in repealing the gasoline minimum mark-up law.

PARAGRAPH 204:

The defendant suggested there might be an opportunity in the budget process to repeal the law.

PARAGRAPH 205:

Mr. Everts further stated that, on May 10, 2001, Tom Boeder called Mr. Everts. Mr. Boeder asked Mr. Everts whether Wal-Mart would contribute to ICD Issues Inc. (2001). Complainant notes that Greg Everts is not publicly registered as a lobbyist for Wal-Mart. Accordingly, Mr. Everts' representation of Wal-Mart would not have been a matter of general public knowledge at the time Mr. Boeder called Mr. Evert's about Wal-Mart.

PARAGRAPH 206:

Mr. Boeder advised complainant that Mr. Burnett directed Mr. Boeder to solicit Mr. Everts for a contribution from Wal-Mart. Mr. Boeder's ICD-Issues Inc. (2001) notes confirm Mr. Burnett identified Mr. Everts as a solicitation lead.

PARAGRAPH 207:

Complainant reviewed the transcript of the testimony of Anthony Driessen before a John Doe hearing in Dane County Case No. 01-JD-6. Complainant also reviewed the summary which DCI Special Agent Robin Broeske prepared of her interview with Mr. Driessen. Mr. Driessen stated as follows. He is an attorney with Quarles & Brady, Madison, Wisconsin and a registered lobbyist. He met with the defendant on April 26, 2001 to discuss fundraising. The defendant verbally listed those candidates to whom he wanted Mr. Driessen's clients to contribute. The defendant stated his highest priorities were incumbent candidates Sen. Kim Plache, Sen. Jim Baumgart, and Sen. Judy Robson. Mr. Driessen provided a memorandum he drafted, the day after his meeting with the defendant, summarizing the discussions.

PARAGRAPH 208:

Mr. Driessen further stated, during the meeting of April 26, 2001, the defendant mentioned independent expenditures groups and issue advertisement groups as being among "the universe of political contributions" available to Mr. Driessen's clients. The defendant identified Thomas Boeder as responsible for certain of these groups.

PARAGRAPH 209:

Mr. Boeder's ICD-Issues Inc. (2001) notes indicate Mr. Burnett identified Mr. Driessen as a solicitation lead. Defendant's control over other "independent" political groups

PARAGRAPH 210:

The defendant had considerable contact with, and control of, other "independent" political groups connected with Tom Boeder. These groups were operated in a similar manner to Independent Citizens for Democracy (PAC) and ICD-Issues Inc. (2001), and show the defendant acted with the same continuing motive, intent, preparation, and plan with respect to Independent Citizens for Democracy (PAC) and ICD-Issues Inc. (2001),

PARAGRAPH 211:

Complainant questioned Tom Boeder concerning his involvement with independent political groups other than Independent Citizens for Democracy (PAC). Mr. Boeder stated as follows. He had a role in the creation or operation of the following organizations: Future Wisconsin; Independent Citizens for Democracy - Issues, Inc. [incorporated on November 4, 1999 (hereinafter "ICDIssues Inc. (1999)"); Citizens for Working Families; and On Wisconsin – Issues, Inc.

PARAGRAPH 212:

Mr. Boeder further stated that, in 1998, Mr. Burnett recruited Mr. Boeder to establish and operate an independent expenditure group named "Future Wisconsin." Mr. Boeder was essentially a figurehead. Mr. Burnett actually controlled the group. Future Wisconsin supported and advocated for the election of Democratic candidate Brian Manthey over Republican candidate Mary Lazich for Wisconsin State Senate. Mr. Burnett told Mr. Boeder who to solicit for contributions to Future Wisconsin. Mr. Burnett also controlled the content and dissemination of all political advertising Future Wisconsin funded in the Manthey-Lazich race. When allegations of campaign collusion were raised, Mr. Burnett told Mr. Boeder how to respond to investigative reporters.

PARAGRAPH 213:

Mr. Boeder provided fundraising records for Future Wisconsin. Those records included a cover letter dated March 11, 1998 whereby Tim Elverman, Government Relations Director (Midwest Region), Bank One, forwarded a \$1,000 donation to Future Wisconsin. The letter indicates "cc: Attorney Chuck Chvala." Complainant was present when Mr. Elverman testified before a John Doe hearing in Dane County Case No. 01-JD-06. Mr. Elverman could provide no explanation as to why he notified the defendant of the above payment to Future Wisconsin.

PARAGRAPH 214:

Complaint reviewed copies of bank records which M & I Bank, Madison, Wisconsin maintains in the ordinary course of business for checking account number 8973668 in the name of "Future Wisconsin." Those records show the DLCC donated \$102,500 to Future Wisconsin.

PARAGRAPH 215:

Mr. Boeder further stated Mr. Burnett recruited him to establish an organization called "Citizens for Working Families." Mr. Burnett believed a Wisconsin State Senate seat would be vacated in 1998 calling for a special election. Citizens for Working Families was planned to advocate for the Democratic candidate for this expected opening. The vacancy did not occur, and Citizens for Working Families was disbanded.

PARAGRAPH 216:

Mr. Boeder further stated Mr. Burnett recruited him to establish an issues advocacy group called ICD-Issues Inc. (1999) in 1999. Mr. Burnett controlled ICD-Issues Inc. (1999) with Mr. Boeder serving as the figurehead. Mr. Burnett told Mr. Boeder who to solicit for contributions to ICD-Issues Inc. (1999). Mr. Burnett obtained contributions totaling \$121,359.30 from the sources Mr. Burnett identified. These sources were primarily lobbyists and the corporate business interests they represented.

PARAGRAPH 217:

Complainant reviewed copies of bank records which Heartland Credit Union, 555 W. Washington Street, Madison, Wisconsin maintains in the ordinary course of business for checking account number 562910IN in the name of "Independent Citizens for Democracy-Issues Inc." Those records show the

following contributions to ICD-Issues Inc. (1999): \$50,000 from Central Wisconsin Development Corporation (a subsidiary of Madison, Gas and Electric) on September 13, 1999; \$5,000 from Alliant Services Company on July 30, 1999; \$10,000 from U.S. Generating Company on July 1, 1999; and \$7,500 from Wisconsin Public Service Corporation on July 15, 1999.

PARAGRAPH 218:

Complainant was present when William McCoshen testified at a John Doe hearing in Dane County case 01JD-06. Mr. McCoshen stated as follows. He was the president of, and a registered lobbyist for, Energize Wisconsin. Energize Wisconsin was a consortium of utility industry interests which included Alliant Energy among others. During the summer of 2000, legislation popularly known as "Reliability 2000" was under consideration as part of the biennial State of Wisconsin budget. Passage of Reliability 2000 was of great importance to the utility industry.

PARAGRAPH 219:

Legislative records show Reliability 2000 passed the legislature as an amendment (AA-ASA1-AB133) to the budget bill on October 6, 1999.

PARAGRAPH 220:

Complainant was present when Mark Williamson testified at a John Doe hearing in Dane County case 01JD-06. Mr. Williamson stated as follows. In 1998, he was an executive and registered lobbyist for Madison Gas and Electric. He frequently spoke with the defendant regarding Madison Gas and Electric contributing to Wisconsin Senate Democratic interests. The defendant advised that Madison Gas & Electric could route money to the Kansas Democratic Party, and that such contributions would be "helpful" to the defendant. In response to the defendant's comments, Mr. Williamson forwarded the below three checks to the Kansas Democratic Party. Mr. Williamson knows corporate coffer contributions to political candidates and political committees are forbidden by law within the State of Wisconsin.

PARAGRAPH 221:

Complainant reviewed copies of the following checks issued by Madison Gas and Electric subsidiaries to the Kansas Democratic Party:
check 2561 dated October 20, 1998 from MAGAEL Inc. to the Kansas Democratic Party for \$5,000;
check 1650 dated October 20, 1998 from Great Lakes Energy Corporation to the Kansas Democratic Party for \$15,000; and
check 1091 dated October 20, 1998 from Central Wisconsin Development Corporation to the Kansas Democratic Party for \$5,000.

PARAGRAPH 222:

Mr. Boeder found, among his Independent Citizens for Democracy (PAC) records, copies of these same three checks from Madison Gas and Electric subsidiaries. The check copies were attached to a handwritten note reading "Steve Martino, Kansas Dem. Party, 700 S.W. Jackson St., 3rd Fl, Topeka, KS 66603" and bearing fax and voice telephone numbers. When Investigator Bisswurm asked Mr. Boeder about these checks, he stated he was aware of a scheme for routing campaign money through Kansas, but he was unsure precisely how the scheme worked. Mr. Boeder and Mr. Burnett discussed Mr. Boeder contacting the Kansas Democratic Party for money. Mr. Boeder believes he faxed a fundraising request to the Kansas Democratic Party. He did receive a check from the Kansas Democratic Party. He believes the contribution went to Independent Citizens for Democracy (PAC).

PARAGRAPH 223:

Complainant reviewed a campaign finance report dated April 7, 1998 which Mr. Boeder filed on behalf of Future Wisconsin with the State of Wisconsin Elections Board. The report shows Dennis Langley of Leawood, Kansas gave \$4,000 to Future Wisconsin on April 1, 1998. Dennis Langley was chairman of the Kansas Democratic Party when he made this contribution.

PARAGRAPH 224:

The above examples of contributions to, and from, the Kansas Democratic Party, suggests an ongoing scheme of reciprocal transfers of campaign money.

PARAGRAPH 225:

Mr. Boeder further stated that, at Mr. Burnett's direction, Mr. Boeder transferred the entire cash balance of \$121,359.30 in ICD-Issues Inc. (1999) account with Heartland Credit Union to Tom Winchell. Mr. Winchell thereupon took over control of ICD-Issues Inc. (1999) and changed the organization's name to "On Wisconsin Issues Inc."

PARAGRAPH 226:

Complainant reviewed a filing dated December 21, 1999 with the Wisconsin Department of Financial Institutions showing ICD-Issues Inc. (1999) changed its name to "On Wisconsin Issues Inc." and changed its registered agent from Mr. Boeder to Mr. Winchell.

PARAGRAPH 227:

Complainant was present when Tom Winchell testified at a John Doe hearing in Dane County case 01JD-06. Mr. Winchell stated as follows. Andrew Gussert and Mr. Burnett asked him to operate an issue advocacy group called "On Wisconsin Issues Inc." Mr. Burnett indicated the organization would be used to support the candidacy of Democrats for Wisconsin State Senate. Mr. Winchell agreed to run the organization.

PARAGRAPH 228:

Mr. Winchell identified a copy of certified check number 4448 dated December 31, 1999 drawn on Heartland Credit Union in the amount of \$121,359.30 as the negotiable instrument whereby Mr. Boeder transferred the funds of ICD-Issues Inc. (1999) to him.

PARAGRAPH 229:

Mr. Winchell further stated either Mr. Burnett or Mr. Boeder gave him a fundraising goal of \$380,000 for On Wisconsin Issues-Inc. That figure was the expected cost to broadcast issue advertisements in two media markets significant to the 2000 Senate election.

PARAGRAPH 230:

Mr. Winchell further stated Mr. Burnett provided Mr. Winchell with names of lobbyists he should contact to solicit contributions. When Mr. Winchell contacted these lobbyists, he found they readily arranged for large contributions to On Wisconsin Issues, Inc. Mr. Winchell rarely provided more information than a one page form solicitation letter to secure these large contributions. The solicitation letter vaguely stated On Wisconsin Issues, Inc.'s purpose was to "provide the people of Wisconsin with the information they need to make informed decisions on public policy." During the course of the fundraising efforts, Mr. Winchell informed Mr. Burnett which organizations contributed and how much they contributed.

PARAGRAPH 231:

Mr. Winchell recalled that lobbyist Eric Peterson's clients from the beer or alcohol distributors industry made a \$40,000 contribution to On Wisconsin Issues Inc. Mr. Peterson asked Mr. Winchell to make it known Mr. Peterson's clients had made the contribution. Mr. Winchell communicated this information to Mr. Burnett.

PARAGRAPH 232:

Mr. Winchell further stated he received numerous contributions to On Wisconsin Issues Inc. which he had not solicited. After Columbia Correctional Facilities or some similarly named organization made an unsolicited contribution of \$5,000, Mr. Winchell sought an explanation from Mr. Gussert. Mr. Gussert stated words to the effect "that's the Stanley Prison issue."

PARAGRAPH 233:

These two conversations - the Eric Peterson conversation and Andrew Gussert conversation - made Mr. Winchell uncomfortable. He believed "a line had been crossed, and that in order to maintain separation and to maintain legality" he divested himself from expending On Wisconsin Issues Inc. funds. He turned over control of the expenditures to the independent control of political consultant Kent Fitch.

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- 11. Motion to allow the testimony of the witnesses identified in Exhibit 1 hereto attached pursuant to Wis. Stats. § 904.04 and Wis. Stats. § 904.06.**

WIS. STATS. § 904.06 – HABIT; ROUTINE PRACTICE

(1) Admissibility. Except as provided in s. 972.11 (2), evidence of the habit of a person or of the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization on a particular occasion was in conformity with the habit or routine practice.

(2) Method of proof. Habit or routine practice may be proved by testimony in the form of an opinion or by specific instances of conduct sufficient in number to warrant a finding that the habit existed or that the practice was routine.

Defendant moves the court to allow the testimony of the witnesses identified in Exhibit 1 attached hereto attached pursuant to Wis. Stats. § 904.04 and Wis. Stats. § 904.06. These persons were all lobbyists during the time period that Charles Chvala was the Senate Majority leader. They will testify that they met with Senator Chvala to discuss policy matters and at no time did Senator Chvala link legislative action to campaign contributions.

Senator Chvala denies the charges that he linked legislative action to campaign expenditures. The State has been granted permission to show through other act proof that Senator Chvala did link legislative activity to campaign contributions. The evidence of the lobbyists listed will establish that Chvala's routine practice was not to make such a linkage. It is relevant to rebut Counts 1 – 6 as well as other act proof.

Wis. Stats. § 904.04 deals with other crimes, wrongs, or acts. Typically, it is used in prosecutions to show other bad acts of the defendant in an effort to prove some element of a crime. It is uncertain whether the words "Other crimes, wrongs, or acts" refers only to bad acts, or also to good acts. In fact, under the canon of construction *ejusdem generis, exclusio alterius* the word acts would refer to something like a crime or a wrong. It would not include a good act. Nonetheless, out of an abundance of caution, this evidence is being disclosed.

State v. Sullivan, 216 Wis. 2d 768, 576 N.W.2d 30 (1998) sets forth the framework for the admission of other acts proof. The first is to consider the three-step analytical framework:

The three-step analytical framework is as follows:

- (1) Is the other acts evidence offered for an acceptable purpose under Wis. Stat. § (Rule) 904.04(2), such as establishing motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident?
- (2) Is the other acts evidence relevant, considering the two facets of relevance set forth in Wis. Stat. § (Rule) 904.01? [FN4] The first consideration in assessing relevance is whether the other acts evidence relates to a fact or proposition that is of consequence to the determination of the action. The second consideration in assessing relevance is whether the evidence has probative value, that is, whether the other acts evidence has a tendency to make the consequential fact or proposition more probable or less probable than it would be without the evidence.

FN4. See 7 Daniel D. Blinka, *Wisconsin Practice: Evidence* § 401.1, at 63 (1991); 1 *McCormick on Evidence*, § 190, at 773-74 (John W. Strong, ed., West Publishing Co. 4th ed.1992).

(3) Is the probative value of the other acts evidence substantially outweighed by the danger of unfair prejudice, confusion of the issues or misleading the jury, or by considerations of undue delay, waste of time or needless presentation of cumulative evidence? See Wis. Stat. § (Rule) 904.03.

Sullivan. 772-773.

The above evidence is offered for an acceptable purpose. It is offered to prove a habit or routine practice. The court ruled in response to the prosecution's offer of other act proof:

Further, the alleged other acts are sufficiently similar to the charges stated in counts 1,3 and 5, to make it more likely, if accepted as credible by the jury, that the defendant was acting according to an existing plan to use legislative power to compel Senate campaign contributions as to counts 1, 3 and 5. (Court's Order Regarding Pretrial Motions, Aug. 18, 2005, Page 3)

Whether Senator Chvala had an existing plan to use legislative power to compel Senate campaign contributions and in fact did use legislative power to compel Senate campaign contributions is a central issue in this case. The evidence from lobbyists identified in Exhibit 1 tends to show no such plan existed and the meetings were contemporaneous with the allegations in Counts 1, 3 and 5.

Finally, proof of habit or routine requires "specific instances of conduct sufficient in number to warrant a finding that the habit existed or that the practice was routine." Senator Chvala met with numerous lobbyists. Therefore there must be proof from a large number of lobbyists to show the practice was routine. Furthermore, there must be a large number of witnesses representing a variety of different organizations to show that Senator Chvala's practice was the same regardless of the interests with which he dealt.

The statute provides that the number of instances must be “sufficient in number to warrant a finding that the habit existed or that the practice was routine.” No one can tell how many witnesses it will take to prove to a jury that Senator Chvala’s practice existed. However, since this is a criminal case, Senator Chvala should not be limited in his proof to show his routine practice.

12. To prohibit the state from making any reference to the fact that the firm of Lawton & Cates, S.C. at one time represented Andrew Gussert before the John Doe.

At one time the firm of Lawton & Cates, S.C. represented Andrew Gussert in proceedings before the John Doe. The attorney who represented Mr. Gussert was Scott Hassett. Mr. Hassett left Lawton & Cates in early 2003 to accept the position of Secretary of the Wisconsin DNR.

In November 2002 Senator Chvala asked the law firm of Lawton & Cates, S.C. to represent him. Attorney Hassett obtained the approval of Mr. Gussert and arranged for Attorney John Walsh of Axley Brynson to represent Mr. Gussert. The Milwaukee DA’s office was notified and agreed to permitting Lawton & Cates to represent Senator Chvala. The court was advised of the situation and the changes in counsel took place.

Neither James Olson, Bruce Davey, Dixon Gahnz nor Richard Cates were involved in the representation of Andrew Gussert. In addition, Lawton & Cates, S.C. turned over their files to Attorney Walsh and constructed a “Chinese Wall” around anything that would be remotely relevant to the representation of Mr. Gussert. This included preventing Mr. Hassett’s former secretary from having any involvement in the Chvala matter.

The State has indicated its intention to call Mr. Gussert as a witness. The State should be prohibited from mentioning that Lawton & Cates, S.C. once represented Mr. Gussert as it is irrelevant to the matter. Such a mention could have the improper effect of reducing the effectiveness of the cross-examination of Mr. Gussert.

13. To prohibit any witness from saying that Senator Chvala did not want Jon Erpenbach to run and that Senator Chvala was concerned about Jon Erpenbach's loyalty because he was Senator Feingold's brother-in-law.

The complaint alleges:

PARAGRAPH 72:

Ms. Richard stated that the defendant was obsessed with people's loyalty to him, and the defendant was not sure that Laundrie would be loyal to him. The defendant was concerned because Mr. Erpenbach is the brother-in-law of Senator Russ Feingold and the defendant was concerned that Erpenbach would be more loyal to Senator Feingold than to the defendant...

PARAGRAPH 77:

Ms. Laundrie stated that she ran the campaign for Jon Erpenbach who was a former co-worker of hers at the caucus. She said that the defendant was very involved because this was a significant race and also because the defendant had wanted another candidate to run instead of Erpenbach....

The above allegations are totally irrelevant to any issue before this court. They are prejudicial since they suggest the possibility of ill will or at least friction between Chvala and Senator Russ Feingold and Senator John Erpenbach. This is prejudicial to Chvala since all of the jury panel has had an opportunity to vote for Senator Feingold and some will have had an opportunity to vote for Senator Erpenbach. Both Senator Feingold and Senator Erpenbach are popular in Dane County as shown by election results. Jurors could have a negative reaction toward him if there was perceived animosity between Chvala and Senators Feingold and Erpenbach.

14. That Counts 12 – 20 be dismissed or in the alternative charged as misdemeanors.

The Wisconsin Statutes specifically deal with independent expenditures under Wis. Stats. § 11.06(7). An intentional violation of that statute is dealt with under Wis. Stats. § 11.06(7)(c). Violations of Wis. Stats. §11.06(7)(c) are considered a civil penalty under Wis. Stats. § 11.60. This shows that it was the intent of the legislature that violations of Wis. Stats. § 11.06(7) should be dealt with as a civil violation not a criminal violation.

11.06(7) OATH FOR INDEPENDENT DISBURSEMENTS.

(a) Every committee, other than a personal campaign committee, which and every individual, other than a candidate who desires to make disbursements during any calendar year, which are to be used to advocate the election or defeat of any clearly identified candidate or candidates in any election shall before making any disbursement, except within the amount authorized under [s. 11.05 \(1\)](#) or [\(2\)](#), file with the registration statement under [s. 11.05](#) a statement under oath affirming that the committee or individual does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who is supported, that the committee or individual does not act in concert with, or at the request or suggestion of, any candidate or any agent or authorized committee of a candidate who is supported, that the committee or individual does not act in cooperation or consultation with any candidate or agent or authorized committee of a candidate who benefits from a disbursement made in opposition to a candidate, and that the committee or individual does not act in concert with, or at the request or suggestion of, any candidate or agent or authorized committee of a candidate who benefits from a disbursement made in opposition to a candidate. A committee which or individual who acts independently of one or more candidates or agents or authorized committees of candidates and also in cooperation or upon consultation with, in concert with, or at the request or suggestion of one or more candidates or agents or authorized committees of candidates shall indicate in the oath the names of the candidate or candidates to which it applies.

(b) A committee or individual required to file an oath under this subsection shall file the oath at the time of registration under [s. 11.05](#) or the time the committee or individual becomes subject to this subsection, whichever is later. The committee or individual shall file an amendment to the oath whenever there is a change in the candidate or candidates to whom it applies. A committee or individual shall refile the oath for each calendar year in which the committee or individual

proposes to make disbursements specified in this subsection, no later than January 31 of that calendar year.

(c) Any individual who or committee which falsely makes an oath under [par. \(a\)](#), or any individual, committee or agent of an individual or committee who or which carries on any activities with intent to violate an oath under [par. \(a\)](#) is guilty of a violation of this chapter.

The state has attempted to convert a violation of 11.06(7) into a felony despite the fact that Wis. Stats. 11.61 specifically excludes that section as a felony.

Furthermore, there is no statute that causes a violation of the independent expenditure statute to be a felony. The state's position is that if an independent expenditure is coordinated it becomes a contribution. This position is unsupported by any Wisconsin statute or case law.

Buckley v. Valeo, 424 U.S. 1, 20,21, 96 S.Ct. 612, 635,636 (1976) only held that coordinated expenditures could be regulated. However, it would be up to the states to determine how to regulate coordinated expenditures consistent with free speech requirements. In Wisconsin, coordinated expenditures were regulated under a statute that does not make a violation a felony and no one has ever been prosecuted in Wisconsin for a felony for violating the Wisconsin independent expenditure laws. The Wilcox campaign was prosecuted civilly for violating the coordinated expenditure laws. Doug Burnett has now been charged with a misdemeanor for violating the independent expenditure laws.

The specific statute controls. There is no basis for a felony charge in the instant case.

Dated this 3rd day of October 2005.

BY: LAWTON & CATES, S.C.

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EXHIBIT 1

LOBBYISTS/REPRESENTATIVE CLIENTS

Mr. Kenneth Walsh
Forest County Potawatami Community
GTECH
Wisconsin Pipe Trades

Mr. Martin Schreiber
Miller Brewing
Apartment Association
School Funding
Dairy Products
Dry-Cleaning
Wisconsin Troopers
Veterinarian

Mr. Michael Blumenfeld
Social Service
Children
Jewish Federation
Libraries

Mr. Keith Roepelle
Environmental Decade

Mr. Paul Gabriel
Wisconsin Technical Colleges Board

Ms. Helen Marks – Dicks
Coalition of Wisconsin Aging Groups, Inc.
Prescription drugs

Mr. Paul Heinnen
WDNR

Mr. Joseph Quick
Madison Metropolitan School District
Lower Class size

Mr. James Tenuta
Physical Therapists
Delta Dental
Solid Waste Management
Wisconsin Alliance for Cities

Ms. Lisa Purtell - Boyce
Planned Parenthood of Wisconsin

Mr. Bill McCoshen
Prisons
Road Builders
Business Coalitions
Single Sales Factor

Mr. Erin Roth
American Petroleum Institute

Mr. Robert Anderson
Wisconsin Council on Children and Families

Mr. David Benforado
Municipal Electric Utilities of Wisconsin
Communities vs Cable

Mr. Lynn Breedlove
Wisconsin Coalition for Advocacy
Developmentally disabled

Mr. Ray Carey
America Online
American Express
Johnson Controls
Kwik Trip

Mr. Wayne Corey
Wisconsin Independent Businesses, Inc.

Mr. Russell Leonard
Wisconsin Chiropractic Association

Mr. Andrew Franken
Wausau Insurance
Northern States Power
3M
American Red Cross

Mr. John Peterson
Wisconsin Academy of Trial Lawyers

Mr. Steven Hiniker
1000 Friends of Wisconsin

Mr. Todd Holschbach
The Nature Conservancy

Mr. John Huebscher
Wisconsin Catholic Conference

Ms. Michelle Kussow
Grocers

Mr. Thomas Hanson
Cable companies
Dog Track
Liquor Manufactureres

Mr. Marc Bentley
Schneider National
Wisconsin Motor Carriers

Mr. Paul Sicula
Tobacco,
Trial Lawyers

Mr. William Gerrard
Allied Health
Railroad companies
Ashley Furniture

Mr. Edward Huck
Wisconsin Alliance of Cities, Inc.

Ms. Gail Sumi
AARP

Mr. Joseph Strohl
Professional Firefighters
Time/Warner
Blue Cross/Blue Shield
TDS Telecommunications

Mr. Eric Petersen
Black Point Neighbors
American Family Insurance
Georgia Pacific
Northwestern Mutual

Mr. Mark Williamson
MG & E

Mr. David Jenkins
Wisconsin Federation of Cooperatives

Mr. John Matthews
Madison Teachers, Inc.

Mr. Jason Kay
AARP

Mr. David Newby
Wisconsin State AFL – CIO

Mr. Richard Gale
Professional Firefighters of Wisconsin, Inc.

Mr. Cory Mason List
AFT – Wisconsin

Mr. James O’Keefe
City of Madison

Mr. Michael Vaughan
Anheuser-Bush
Wisconsin Bankers Association
Cendant Corporation
Woodman’s Food market
Tobacco Companies