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1 STATE OF NEW HAMPSHIRE
2 SUPERIOR COURT
3 HILLSBOROUGH, SS. (NORTHERN DISTRICT)

4

5 -----x

6 RAYMOND BUCKLEY, et al. :

7 Plaintiffs, :

8 v. :

9 NEW HAMPSHIRE REPUBLICAN :

10 STATE COMMITTEE, et al., :

11 Defendants. :

12 -----x

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14 Washington, D.C.
15 Friday, October 13, 2006

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1 Deposition of DARRELL A. HENRY, a
2 witness herein, called for examination by counsel
3 for Plaintiffs in the above-entitled matter,
4 pursuant to notice, the witness being duly sworn
5 by CATHERINE S. BOYD, a Notary Public in and for
6 the District of Columbia, taken at the offices of
7 Covington & Burling LLP, 1201 Pennsylvania
8 Avenue, N.W., Washington, D.C. 20004-2401, at
9 9:09 a.m., Friday, October 13, 2006, and the
10 proceedings being taken down by Stenotype by
11 CATHERINE S. BOYD and transcribed under her
12 direction.

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1 APPEARANCES:

2 On behalf of the Plaintiffs:

3 JOSEPH E. SANDLER, ESQ.
4 JOHN HARDIN YOUNG, ESQ.
5 Sandler, Reiff & Young, P.C.
6 50 E Street, S.E., Suite 300
7 Washington, D.C. 20003
8 (202)479-1111
9

10 On behalf of the Defendant Republican

11 National Committee:

12 ROBERT K. KELNER, ESQ.
13 Covington & Burling LLP
14 1201 Pennsylvania Avenue, N.W.
15 Washington, D.C. 20004-2401
16 (202) 662-5503
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0004

1	C O N T E N T S
2	WITNESS EXAMINATION BY COUNSEL FOR
3	DARRELL A. HENRY PLAINTIFFS DEFENDANTS
4	By Mr. Sandler 5

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1 PROCEEDINGS

2 Whereupon,

3 DARRELL A. HENRY,

4 was called as a witness by counsel for Defendant,

5 and having been duly sworn by the Notary Public,

6 was examined and testified as follows:

7 EXAMINATION BY COUNSEL FOR PLAINTIFFS

8 BY MR. SANDLER:

9 Q. Mr. Henry, thank you for coming this
10 morning.

11 Could you state your full name and
12 address for the record?

13 A. Darrell Henry, 122 C Street, Northwest,
14 Suite 500, Washington, D.C. 20001.

15 Q. And is that your --

16 A. It's my work address.

17 Q. Okay. Could you just give us your
18 residential address for the record?

19 A. I prefer not to. I was told I didn't
20 have to -- I can give my work address.

21 Q. Okay. Have you ever had your
22 deposition taken before?

0006

1 A. On this case?

2 Q. On any case.

3 A. Yes.

4 Q. And what case was that that you had
5 your deposition taken?

6 A. It was Bill Brock versus Ruth Ann
7 Aaron.

8 I was just a witness.

9 Q. Okay. And well, I'm, just so you know,
10 Mr. Henry, I'm going to ask a question. You
11 should give an answer to each one orally.

12 You understand that?

13 A. Sure.

14 Q. And the reporter is going to make a
15 written transcript of this, and you'll have an
16 opportunity to look at the transcript after it's
17 completed.

18 Do you understand that?

19 A. Sure.

20 Q. And you understand if you make changes
21 of substance to your testimony, those changes can
22 be commented on at trial?

0007

1 A. Sure.

2 Q. And you understand today's deposition
3 is taken under oath?

4 A. Yes.

5 Q. And subject to the penalties of
6 perjury?

7 A. Yes.

8 Q. Okay. And if you don't understand a
9 question, please let me know, and I will be happy
10 to rephrase it. Okay.

11 Are you taking any medication or are
12 you under any treatment that might prohibit you
13 from rendering complete and truthful testimony
14 today?

15 A. At this point, I'm just going to go to
16 my prepared statement, and on the advice of my
17 counsel, I assert the provisions, privilege to
18 remain silent as guaranteed by the 5th and 14th
19 Amendments of the U.S. Constitution, Part 1,
20 Article 15 of New Hampshire.

21 I'm happy to provide it written if you
22 want it to refer to.

0008

1 Q. Okay. Well, I mean can you just
2 briefly describe your educational background for
3 us after graduating from high school?

4 A. The same -- based on advice of my
5 counsel, I'll assert my privilege to remain
6 silent.

7 Q. Okay. Can you give us your employment
8 history since graduating from college?

9 A. Again, based on the advice of counsel,
10 I assert my privilege to remain silent.

11 Q. Okay. Have you ever worked for the
12 U.S. Chamber of Commerce?

13 A. Based on my advice of, the advice of my
14 counsel, I assert my privilege to remain silent.

15 Q. Have you ever worked for any group or
16 entity affiliated with the U.S. Chamber of
17 Commerce?

18 A. Based upon the advice of my counsel, I
19 assert my privilege to remain silent.

20 Q. Have you ever worked as an employee of
21 a firm called DCI?

22 A. Based upon the advice of my counsel, I

0009

1 assert my privilege to remain silent.

2 Q. Did you work in the State of New
3 Hampshire on political campaigns during the Year
4 2002?

5 A. Based on the advice of my counsel, I
6 assert my privilege to remain silent.

7 Q. I think you can save time if you want
8 to just say that I assert the privilege.

9 A. Sure.

10 Q. I think that's acceptable to --

11 A. If I can go along and shorten it, I'm
12 happy to do whichever makes it easiest.

13 Q. I think it would be appropriate, it
14 would be acceptable if you want to, if it's the
15 same response, to just say I assert the
16 privilege.

17 A. All right.

18 Q. Were you -- well, I'm going to ask who
19 were you employed by while you worked in the
20 State of New Hampshire on political campaigns
21 during 2002?

22 A. I assert my privilege.

0010

1 Q. Were you paid by anyone during the time
2 you worked in New Hampshire?

3 A. I assert my privilege.

4 Q. And were you, were you on unpaid leave
5 from your job, your regular job, while you worked
6 in New Hampshire in the 2002 general election
7 campaign?

8 A. I assert my privilege.

9 Q. When you worked in New Hampshire during
10 the 2002 election campaign, where did you reside?

11 A. I assert my privilege.

12 Q. Did you share that residence with Julie
13 Teer, T-e-e-r?

14 A. I assert my privilege.

15 Q. Did you share that residence with a
16 Kate Whitman, W-h-i-t-m-a-n?

17 A. I assert my privilege.

18 Q. And what was the address of that
19 residence?

20 A. I assert my privilege.

21 Q. What was your cell phone number in the
22 fall of 2002?

0011

1 A. I assert my privilege.

2 Q. For what organization or entity were
3 you working in New Hampshire during the 2002
4 election campaign?

5 A. I assert my privilege.

6 Q. And to whom did you report in
7 undertaking work for that organization?

8 A. I assert my privilege.

9 Q. What was the nature of the work you
10 performed in New Hampshire in connection with the
11 2002 general election campaign?

12 A. I assert my privilege.

13 Q. How did you happen to come to work on
14 the 2002 general election campaign in New
15 Hampshire?

16 A. I assert my privilege.

17 Q. Okay. Did any -- well, strike that.
18 Did the New Hampshire Republican, did the, did
19 the New Hampshire State Republican Committee
20 reimburse your expenses while you were working in
21 New Hampshire in the fall of 2002?

22 A. I assert my privilege.

0012

1 Q. Did the U.S. Chamber of Commerce
2 organize or undertake any campaign activity in
3 New Hampshire in connection with the 2002 general
4 election?

5 A. I assert my privilege.

6 Q. Okay. What is the Alliance for Energy
7 and Economic Growth?

8 A. I assert my privilege.

9 Q. And did you ever have any role with
10 this organization, that is, the Alliance for
11 Energy and Economic Growth?

12 A. I assert my privilege.

13 Q. Was this organization affiliated with
14 the U.S. Chamber of Commerce?

15 A. I assert my privilege.

16 Q. Do you know James Tobin?

17 A. I assert my privilege.

18 Q. Okay. While you were working in New
19 Hampshire during the fall of 2002, did you have
20 occasion to communicate with Mr. Tobin?

21 A. I assert my privilege.

22 Q. Subsequent to the 2002 general

0013

1 election, have you communicated with Mr. Tobin?

2 A. I assert my privilege.

3 Q. Did the New Hampshire State Republican
4 Committee reimburse any of your expenses while
5 you were working in New Hampshire in the fall of
6 2002?

7 A. I assert my privilege.

8 Q. Subsequent to the 2002, while you were
9 working -- okay.

10 Subsequent to the 2002 general
11 election, have you communicated with Mr. Tobin?

12 A. I assert my privilege.

13 Q. Prior to election day November 5th,
14 2002, did you have any knowledge of the plan by
15 the New Hampshire Republican State Party to jam
16 the telephone lines of the New Hampshire
17 Democratic Party?

18 A. I assert my privilege.

19 Q. On election day itself, November 5th,
20 2002, did you speak to anyone at all about the
21 jamming of the phone lines of the New Hampshire
22 Democratic Party?

0014

1 A. I assert my privilege.

2 Q. What were you doing on election day
3 November 5th, 2002?

4 A. I assert my privilege.

5 Q. Since November 5th, 2002, have you
6 spoken to anyone about the phone jamming that
7 occurred in New Hampshire on election day
8 November 5th, 2002, other than your attorneys?

9 A. I assert my privilege.

10 Q. Can you give us an idea of what you
11 were doing on election day, November 5th, 2002,
12 taking us through the day from the beginning to
13 the end?

14 A. I assert my privilege.

15 Q. Do you know Charles McGee, the former
16 Executive Director of the New Hampshire
17 Republican State Party?

18 A. I assert my privilege.

19 Q. Did you have occasion to communicate
20 with Mr. McGee during the time you were in New
21 Hampshire in the fall of 2002?

22 A. I assert my privilege.

0015

1 Q. Did you communicate with Mr. McGee on
2 election day, November 5th, 2002?

3 A. I assert my privilege.

4 Q. And I would ask what did you say and
5 what did he say if you did speak with him?

6 A. I assert my privilege.

7 Q. Did you tell Mr. McGee that you knew
8 about the phone jamming plan that was going on?

9 A. I assert my privilege.

10 Q. Did you tell Mr. McGee that you had
11 called some associate of yours to pick up where
12 the New Hampshire Republican Party had left off?

13 A. I assert my privilege.

14 Q. Have you communicated with Mr. McGee at
15 any time since November 5th, 2002?

16 A. I assert my privilege.

17 Q. Do you know Jane Miller whose married
18 name is now I guess Jane Marcucci,
19 M-a-r-c-u-c-c-i?

20 A. I assert my privilege.

21 Q. Did you have occasion to communicate
22 with Ms. Marcucci during the time you were in New

0016

1 Hampshire in the fall of 2002?

2 A. I assert my privilege.

3 Q. Have you communicated with Ms. Marcucci
4 at any time since November 5th, 2002?

5 A. I assert my privilege.

6 MR. SANDLER: I have no further
7 questions.

8 Any questions?

9 MR. KELNER: I have no questions.

10 MR. SANDLER: That's it.

11 THE WITNESS: All right. Thank you
12 very much.

13 (Whereupon, at 9:19 a.m., the taking of
14 the instant deposition ceased.)

15

16 DARRELL A. HENRY

17 SUBSCRIBED AND SWORN to before me this _____

18

19 day of _____, 2006

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21 NOTARY PUBLIC

22 My commission expires:

0017

1 CERTIFICATE OF NOTARY PUBLIC
2 I, Catherine S. Boyd, the Notary Public
3 before whom the proceeding occurred, pages 1
4 through 15, do hereby certify that the witness
5 was duly sworn, that the testimony of said
6 witness was taken by me and thereafter reduced to
7 this typewritten transcript under my supervision,
8 that said transcript is a true record of the
9 testimony given by said witness, that I am
10 neither counsel for, related to, nor employed by
11 any of the parties to the proceeding, and
12 further, that I am not a relative or an employee
13 of any attorney or counsel employed by the
14 parties thereto, or financially or otherwise
15 interested in the outcome of the proceeding, or
16 any action involved therewith.

17 Witness my signature and seal:

18

19 CATHERINE S. BOYD
20 Notary Public in and for
21 The District of Columbia

22 My commission expires: September 14, 2007