

UNCERTIFIED ROUGH DRAFT

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BY MR. SABA:

Q. Good morning. My name is Paul Saba. I don't know if we've met before. Could you please state your name for the record.

A. Jeanette Schmidt.

Q. And how are you currently employed?

A. U.S. Congress.

Q. What is your current elected position?

A. Congresswoman of the Second District.

Q. What is your affiliation with the Schmidt for Congress Committee?

A. It's my committee.

Q. And what involvement does your husband, Peter Schmidt, have with the committee?

A. He's our treasurer.

Q. Okay. Where did you go to college?

A. University of Cincinnati.

Q. And when did you graduate?

A. From political science in 1974.

Q. Is that a B.S. or a B.A.?

A. I'm not sure. I think it's a B.A., or is  
it a Bachelor of Science? I don't know. I would have  
to say I don't know.

Q. Okay. Neither do I. That's why I was  
asking. And that was correct, you obtained your degree

in 1974, correct?

A. Yes.

Q. And then, after 1974, did you go back to school for any other education?

A. Yes.

Q. What did that consist of?

A. A variety of courses. For secondary education.

Q. Where did you go --

A. And a master's, which I did not complete.

Q. Where did you go for the variety of classes? What?

A. The University of Cincinnati.

Q. Were they all at UC or were they anywhere else?

A. All at UC.

Q. And had you completed the requirements for a master's, what would that master's have been in?

A. Education.

Q. And when did you start pursuing, then, the master's of education degree at UC?

A. I'm not sure.

Q. When did you stop attending the classes in pursuit of the master's?

A. I'm not sure.

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Q. Do you know what years -- after 1974, do you know what years specifically you attended classes at UC?

A. I'm not sure.

Q. To your knowledge, did you attend any classes after 1986?

A. I'm not sure.

Q. Do you know how many credits you would have needed to obtain the master's in education?

A. No.

Q. Do you know how many actually completed?

A. No.

Q. Besides the master's degree, which you did not obtain, have you obtained any other degrees besides the one in 1974?

A. No.

Q. And have you ever received a degree in

social studies?

A. I'm not sure.

Q. What classes would you have taken that would make you unsure or make it a possibility that you would have obtained a degree in social studies?

A. I don't know.

Q. Well, I'm trying to understand as to why there may be uncertainty as to whether or not you've

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actually obtained a degree in social studies.

A. I obtained a degree in political science.

Q. I understand that. That was the 1974-degree, correct?

A. Yes.

Q. Okay. I was asking about a degree in social studies.

A. I never received a degree in social studies. I thought the question was, was I pursuing a degree in social studies.

Q. No, no. I asked if you actually obtained a degree in social studies.

A. No.

Q. Okay. And just so I'm clear, then, you've never received any other degrees other than the 1974-degree, is that correct?

A. Correct.

Q. And just so I'm clear, too, you have

not -- you were in pursuit of a degree in social studies, but you have not yet completed all the necessary requirements for a degree in social studies, is that correct?

A. That's incorrect.

Q. What is incorrect about that?

A. I was never pursuing a degree in social

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studies.

Q. Okay. I'm sorry.

MR. FINNEY: Folks, I'm going to need

Mrs. Schmidt to speak up. I can't really hear

her responses.

MR. SABA: I'll put the phone a little

closer to her.

MR. TODD: We'll move it as close as we

can, Chris.

BY MR. SABA:

Q. The degree that you were seeking was a  
master's in education, is that correct?

A. Yes.

Q. But you never actually completed all the  
necessary requirements for the master's, is that  
correct?

A. Yes.

Q. At any point in time, did you ever pursue  
a degree in social studies?

A. No.

Q. And if I understand your testimony correctly, too, you did not receive any degrees, then, in 1984, is that correct?

A. Correct.

Q. And you did not receive any degrees in

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1985, correct?

A. Correct.

Q. And you did not receive any degrees in 1986, is that correct?

A. Correct.

Q. You completed some course work in 1986 at UC, is that correct?

A. Yes.

Q. That was in pursuit of the master's degree, is that right?

A. I'm not sure.

Q. During 1986, the course work you did complete, do you know what classes and course work you actually completed?

A. No.

Q. Do you know how many classes you attended?

A. No.

Q. Have you ever had a teaching certificate?

A. Yes.

Q. When was that?

A. I'm not sure.

Q. Did you ever teach?

A. Yes.

Q. Where did you teach?

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A. Withrow.

Q. Did you teach anywhere other than

Withrow?

A. I was doing my education courses that I  
taught at Withrow.

Q. Was that, while you were pursuing the  
teaching certificate, you had to do some teaching  
classes, is that correct --

A. Yes.

Q. -- as part of the requirements to obtain  
the certificate?

A. Yes.

Q. Subsequent to obtaining the certificate,  
did you teach anywhere?

A. Yes.

Q. Where was that?

A. St. Elizabeth and Seton.

MR. FINNEY: Paul, I didn't hear that  
response. What was that response?

MR. TODD: St. Elizabeth and Seton.

BY MR. SABA:

Q. You mean Seton High School, is that  
correct?

A. No.

Q. It's different than Seton High School?

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A. Yes.

Q. Was that a high school, or what classes

were you teaching there?

A. I was teaching on class on morality.

Q. And what grades were you teaching, ma'am?

A. Seventh, eighth, and high school. It was

more of a Sunday school format, but it wasn't taught on

Sundays.

Q. Was it Monday through Friday?

A. No. One day a week.

Q. What day of the week was that?

A. I don't remember.

Q. Do you remember what year that was that you were doing the teaching?

A. I did it for about three years in the late '80s.

MR. SABA: Paul, could you pick up real quick?

(Off the record.)

BY MR. SABA:

Q. Other than St. Elizabeth and the classes of morality that you taught there, did you teach anywhere else?

A. Yes.

Q. Where was that?

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A. Oh, I don't remember. It was when I was pursuing my teaching certificate.

Q. The teaching certificate you had, was that a provisional license or did you actually have the teaching certificate?

A. I don't understand. I don't know the difference, so I can't answer the question.

Q. When you completed your course work, then you also had to do certain hours of teaching, isn't that correct?

A. I don't know.

Q. What is your understanding of the

certificate that you had?

A. I don't have any understanding of the certificate that I have. I don't understand your question.

Q. Are you aware of the fact that there are different teaching certificates?

A. No.

Q. Your teaching certificate was in secondary education, is that correct?

A. Yes.

Q. And that would enable you to teach classes from seventh through high school, is that right?

A. Yes.

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Q. And before you were able to obtain that certificate, you had to teach, I think you indicated, at Withrow, correct?

A. And other schools.

Q. What other schools, other than Withrow, besides St. Elizabeth, that you already told me about, did you have to teach at?

A. I'm not sure.

Q. When did you complete the teaching at Withrow?

A. I'm not sure.

Q. Was it during 1986?

A. I'm not sure.

Q. And other than teaching at Withrow, where else did you have to teach, I'm sorry, to get your certificate?

A. I don't remember.

Q. What subjects did you teach at Withrow?

A. I taught five classes. I don't remember all the subjects.

Q. Do you remember the age groups that you were teaching?

A. Yes.

Q. What were those?

A. Freshmen and seniors are the two groups I

remember.

Q. And the other school that you can't remember, or schools that you can't remember, do you remember what the subjects that you were teaching at those schools, besides St. Elizabeth?

A. No.

Q. You no longer have a license in secondary ed, is that correct?

A. Correct.

Q. When did it lapse?

A. I don't know.

Q. Did it, in fact, lapse, or was it that you didn't actually obtain all the requirements for the actual certificate? Do you know which one that is?

A. No.

Q. Did you ever receive an actual piece of paper that said you have obtained the certificate for teaching?

A. I don't know.

Q. Do you know the last year that you taught any classes?

A. No.

Q. Do you remember when you announced you were going to be running for Congress?

A. Yes.

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Q. When was that?

A. April 11th, 2005.

Q. And where did you announce you were going to run?

A. Montgomery Inn in Cincinnati, in Montgomery.

Q. And when you made your announcement, did you or someone on your behalf, or the committee to elect you, distribute any informational material, biographical information, regarding you to the media?

A. I don't remember.

Q. Who would have been in charge of doing that on behalf of your committee, if it occurred?

A. I don't remember.

Q. Who was running your -- who was in charge of your committee at that point in time?

A. You have to explain the answer -- or the question more, because I don't -- I don't know how to answer that. Rephrase the question, please.

Q. Sure. Let me ask you this: When you went to announce, on April the 11th, that you were going to be running for Congress, was your committee already formed at that point?

A. Committee in what sense?

Q. Did you have a committee to elect you to

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Congress?

A. Yes.

Q. Did you have any other committees?

A. No.

Q. That would be the only committee that I'm referring to.

A. At the time, we had to, for FEC purposes, form a committee to receive funds.

Q. If materials would have been handed out to the press at your announcement, would you have looked over those materials?

A. No.

Q. Who would have?

A. I don't know.

Q. And did you ever maintain a copy of any of those materials if any were handed out?

A. No.

Q. If any materials were actually handed out

to the press, do you know who would have created the material?

A. No.

Q. And before you announced you were going to be running for Congress, you already had some biographical information from previous campaigns, from previous elected positions, is that correct?

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A. Yes.

Q. Do you have any reason to believe that the information that would have been handed out when you announced for Congress was going to be different than the previous biographical information you had with

previous campaigns?

A. That's a question you can't answer.

Q. Why can't you answer it?

A. I can't answer the question.

Q. Well, before you announced that you were going to be running for Congress, did you go back and update or review your biographical information?

A. No.

Q. And you're not aware of anyone on your behalf updating your biographical information before you would have announced for Congress, then, are you?

A. No.

Q. So if any biographical information would have been handed out at the announcement, it would have

been the same biographical information that you

distributed in the past, correct?

A. I'm not going to answer yes or no to an assumption.

Q. Did you appoint anyone on your behalf to review any material that would be distributed to the

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media?

A. No.

Q. To your knowledge, did anyone fill that role and make sure that the material that would have been distributed out on your behalf was going to be accurate or correct?

A. Did I appoint anyone?

Q. To your knowledge, did anyone fill that role and make sure that the information that was going to be distributed to the media would be accurate and correct?

A. No, not a specific person, no.

Q. Is that the type of thing that your husband would have done?

A. You would have to ask him.

Q. And so you never, then, assigned anyone to do any fact check to go make sure that the information that your campaign was distributing to the media would have been accurate or correct, is that right?

A. Correct.

Q. Do you remember what TV or media were actually present when you announced on the 11th of April?

A. No.

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Q. Did you talk to any of the press before, during, or after that announcement?

A. Probably.

Q. Do you remember which of the press you spoke to? Do you remember if it was TV or newspaper?

A. No.

Q. Do you remember if there were any TV channels that were present there?

A. No.

Q. And during the 2005 campaign for Congress, did you or someone on your behalf, or on behalf of the committee, issue any PAC packets or informational material to PACs?

A. Did I? No.

Q. What about someone on your behalf or on behalf of the committee?

A. I don't know.

Q. Are you aware of any information being prepared that would be distributed to any PACs during the 2005 campaign?

A. No.

Q. And if any would have been distributed,

do you know who on behalf of your campaign would have  
done that?

A. No.

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Q. Do you have a Web site?

A. Yes.

Q. What is the address of the Web site? Is  
it [www.jeanschmidt.com](http://www.jeanschmidt.com)?

A. Okay. That's it.

Q. Sorry. I didn't mean that to be a trick  
question. Other than that Web site, ma'am, do you have  
any other Web addresses?

A. No.

Q. What's the first time you actually had a  
Web site?

A. I don't know.

Q. It was for some previous campaign, is  
that correct?

A. Yes.

Q. Do you remember, did you create the Web  
site when you were running for any elected positions  
within the state of Ohio, running for the state house?

A. That I created?

Q. Or have it created. I'm sorry.

A. Yes. I didn't create it.

Q. Someone on your behalf?

A. (Nodding head.)

Q. Do you remember what race you would have

been running for when you had the Web site created?

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A. No.

Q. When you first had the Web site created,

did you review the material on the Web site to make sure

it was accurate?

A. No.

Q. Do you know where any of the

informational material on the Web site was obtained when

it was first created?

A. Do I know where it was obtained?

Q. Uh-huh.

A. No.

Q. And when you first created your Web site at that time, it included biographical information about yourself, isn't that correct?

MR. TODD: If you know.

A. I don't know.

BY MR. SABA:

Q. Did anyone on your behalf review the material on your Web site, when it was first created, to make sure it was accurate or correct?

A. I don't know.

Q. To your knowledge, at any point in time that you've had the Web site, has anyone gone through the Web site to make sure that the information on it was accurate or correct?

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A. I don't know.

Q. Let me ask you, what was your involvement in initially creating the Web site?

A. None -- well, except -- none.

Q. Do you know who would have been involved in that process?

A. Not really.

Q. At any point in time, have you ever read through all the material on your Web site?

A. No.

Q. So you've never reviewed your Web site to make sure that the information on it was accurate or

correct, is that right?

A. Correct.

Q. And you don't know if anyone has ever

done that, is that right?

A. That's a difficult question to answer,

because when you mean anyone, there's 200 million people

in the United States.

Q. Anyone on behalf of your committee or

someone at your direction that you directed to go

through the material to make sure that the information

contained on the Web site was accurate or correct?

A. Did I direct anyone? No.

Q. Why not?

A. I don't know.

Q. What do you use your Web site for?

A. I don't use my Web site.

Q. Why do you have it?

A. Good question.

Q. Do you have an understanding as to why

you may have a Web site?

A. At this point, I think it's a good

question. I don't have an answer why I would have it at

this point.

Q. Well, at some point in time, you decided

you were going to pay some money to create a Web site,

isn't that right?

A. Yes.

Q. And you're currently paying money to  
maintain a Web site, isn't that right?

A. I guess I am.

Q. You're paying money to host a Web site,  
is that right?

A. I guess I am.

Q. So, why are you doing that?

A. I don't know.

Q. Well, if you don't know, ma'am, who  
would?

A. I don't know.

Q. You don't know who would even know why

you would have a Web site?

A. It's a personal question. You know, at this point, I don't know why I would even want a Web site.

Q. So are you saying you're going to take it down?

A. I don't know.

Q. What would you need to know to make that determination?

A. I don't know.

Q. Do you even know what you use the Web site for?

A. I don't use the Web site.

Q. Do you know what your campaign uses it

for?

A. Well, a campaign isn't a person, so I don't think a campaign can use a Web site.

Q. What about your committee?

A. You would have to ask them.

Q. Do you know how many visitors you had actually to your Web site within the last year?

A. No.

Q. Do you track that information?

A. No.

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Q. Maybe not you personally. Do you know if anyone on your behalf tracks that information?

A. I don't know.

Q. Do you receive any campaign contributions on your Web site?

A. I don't know.

Q. You're aware of the fact that your Web site is actually set up to receive campaign contributions, aren't you?

A. No.

Q. When is the last time you actually looked at your Web site?

A. I have no idea.

Q. Within the last 30 days?

A. No.

Q. Who's responsible on behalf of the committee to oversee the Web site?

A. No one in particular.

Q. Who decides what information is going to go on the Web site?

A. Not me.

Q. And if you don't, who does?

A. I can't answer that.

Q. Who could answer that question?

A. Whoever is putting information on the Web

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site.

Q. Who on behalf of the committee actually has the authority to tell the Web master what information to put on the Web site?

A. I never thought about that. I don't know.

Q. Well, is it more than one individual?

A. I can't answer it.

Q. Why can't you answer it?

A. Because I don't pay attention to the Web site.

Q. Why not?

A. I'm not interested.

Q. You don't think your Web site is interesting or you're not interested in what's on the Web site?

A. I'm not interested in Web sites in general.

Q. So then who on behalf of the committee would be interested in the Web site, what information is on the Web site?

A. You'll have to ask the committee.

Q. And prior to announcing that you were going to be running for Congress, did you review the Web site at all to make sure everything on there was

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accurate?

A. No.

Q. And when you announced that you were going to be running for Congress, did you make any changes to the Web site?

A. No.

Q. At some point in time it went from the Jean Schmidt Web site to Jean Schmidt for Congress, is that right?

A. Sure. Yeah, I'm sure it did.

Q. And obviously, the change from Jean Schmidt to Jean Schmidt for Congress would have occurred at or near the time when you would have announced you were going to be running, isn't that correct?

A. You could assume that.

Q. Who would have been in charge to make sure that that change was done?

A. Not me.

Q. Do you know who would have been?

A. No.

Q. Other than changing the name the Web site from Jean Schmidt to Jean Schmidt for Congress, are you aware of any other changes that were made to the Web site --

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A. No.

Q. -- after you announced it?

A. No.

Q. And as we sit here today, you don't know who would have approved the change from Jean Schmidt to Jean Schmidt for Congress, is that right?

A. Correct.

Q. And before you announced that you were going to be running for Congress, you already had biographical information on your Web site, isn't that right?

A. I don't know.

Q. And you have no reason to believe it wasn't there either, do you? Are you aware of the fact that you currently today do have biographical information on your Web site about yourself, isn't that right?

A. I do know it today?

Q. Yes.

A. If you say it's there. I don't look at the Web site. I don't know what's on it.

Q. And you would agree, wouldn't you, that biographical information regarding a candidate is important information that the voters would like to know, wouldn't you?

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A. I think any information about a candidate is important that people want to know.

Q. Okay. I'm not sure if I asked this one or not. I'm not trying to be redundant, but other than the change of the name from Jean Schmidt to Jean Schmidt for Congress, if information was changed on the Web site, do you know who would have made those changes?

A. No.

MR. SABA: Could we take a short break?

MR. TODD: Absolutely.

THE WITNESS: I'm on a time frame, so I  
would like to get this finished up this morning.

MR. SABA: We will.

THE WITNESS: I've got, like, 15 minutes  
left.

MR. TODD: And here's the situation:  
Representative Schmidt has an appointment, and I  
think we can break. And can you come back later  
in the morning for a little bit of time?

THE WITNESS: Briefly, because I have  
appointments this afternoon.

MR. TODD: So if we could do it that way.  
Right now, she's got something she's got to do.

THE WITNESS: So if you could hold off on  
your break and get this finished, that would be

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great.

MR. SABA: How much time do you have?

THE WITNESS: 15 minutes.

MR. TODD: As I mentioned, we can come  
back a little bit later in the morning, but she  
definitely has an appointment that she has to  
keep at 10:00.

MR. SABA: All right. Well, Bill, I'll  
point out to you that I made clients available  
without time limits to you. And Mr. Urling, who

was not privy to the information relative to  
  
this point, other than what's set forth in the  
  
affidavit, his deposition went on for an hour  
  
and 15 minutes or an hour and a half.

Ms. Schmidt has quite a bit of probative  
  
information that we need to get to. You  
  
promised to produce her this morning. You did  
  
not tell us, particularly at the beginning of  
  
the deposition, of any particular time limits.  
  
And now, with 15 minutes left, you tell us that  
  
you're going to truncate the amount of time we  
  
have to ask her questions.

MR. TODD: Mr. Finney --

MR. FINNEY: The point --

MR. TODD: Go ahead. Please complete

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what you want to say.

MR. FINNEY: So we'll proceed, but this is not in accordance with the spirit of what you had promised me. And I expect that you need to figure out a way to fulfill your obligations in this matter.

MR. TODD: I think we are trying to, Mr. Finney, by allowing Congresswoman Schmidt to complete this appointment, which is in connection with her official duties, and then come back for additional questioning after this appointment. But this was something that is,

again, required by her duties, and we need to accommodate that. And that's the only thing we're suggesting at this point.

MR. FINNEY: Well, you told me she was unavailable all last week to have her deposition taken. You were the one that suggested that today would work.

MR. TODD: That's right.

MR. FINNEY: You were the one that suggested today would work, and now you're making her unavailable. But rather than get bogged down in this, we'll talk about that later. Let's go ahead and try to finish the

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deposition. Keep going, Paul.

MR. SABA: All right. We'll keep going.

(Deposition- Exhibit A was marked for  
identification.)

BY MR. SABA:

Q. Okay, you've been handed Exhibit A. Can  
you identify that document?

A. No.

Q. Do you know if this is, in fact,  
information that was displayed on your Web site during  
April of 2005 through August 2005?

A. I didn't know that.

Q. And during that same time period, you had

some biographical and educational information on your Web site from August -- I'm sorry, from April of 2005 through August of 2005. Isn't that correct?

A. Yes. There's information on there.

Q. Okay. And, for example, if we look down at the bachelor's degree in social studies, secondary education, University of Cincinnati?

A. That would be incorrect.

Q. And what specifically about that statement is incorrect?

A. It should say that I have a teaching certificate in secondary education.

Q. Well, in fact, actually, even that statement would be incorrect? Shouldn't it say, in fact, that you had a teaching certificate at one point in time, but it's not current? Right? You no longer have the certificate anymore, right? It has lapsed?

A. It has lapsed.

Q. So to some extent, interest?

A. I received a teaching certificate.

MR. TODD: Well put.

BY MR. SABA:

Q. How is it that the information about the bachelor's degree in social studies made it onto your Web site at that time?

A. I don't know.

Q. And the incorrect information, the

bachelor's degree in social studies, secondary education, do you know if that was obtained from any previous biographical information that you had distributed out from other campaigns?

A. I don't know.

Q. When was the information corrected, second -- I'm sorry, the bachelor's degree in social studies, secondary education, University of Cincinnati, when was that corrected?

A. Last summer.

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Q. And who was involved in correcting it?

A. I don't know who made the correction.

Q. How is it that you learned that you had inaccurate information on your Web site that needed to be corrected?

A. It came to me through my campaign.

Q. What actually came to you?

A. I was notified that there was some inaccuracy regarding my teacher's certificate that I received on the Web site. And I asked that it be corrected.

Q. Who did you ask that it be corrected?

A. My campaign manager.

Q. Who was that?

A. Joe Braun.

Q. And when it was brought to your attention

that you had the incorrect information regarding your bachelor's degree in secondary -- I'm sorry, social studies, secondary education, University of Cincinnati, did you actually go and look at the Web site during that time?

A. No.

Q. That was, of course, during the campaign that you were running for Congress during the time frame of April of 2005 and before August the 2nd of 2005,

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correct?

A. That I found out about it?

Q. Yes, ma'am.

A. Yes.

Q. And then made sure it was changed, is that right?

A. Exactly. As soon as I was notified, I asked that it be changed.

Q. After learning that you had the incorrect information on your Web site, what did you do to ensure that the information that you were going to put on the Web site with regard to your teaching certificate would be accurate?

A. I asked my campaign manager to handle it.

Q. And what did you do to ensure that your campaign manager would make sure that the information they were going to then put on the Web site would be accurate?

A. I asked him to do it, and he said he did  
it.

Q. Do you know what he did to correct the  
information?

A. No.

MR. FINNEY: Paul, might I suggest that  
we move on to the issue about the endorsements

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from Chabot, Tancredo and the Research Council  
with the few minutes that Ms. Schmidt deems to  
grant to us that we have left?

MR. SABA: Sure.

BY MR. SABA:

Q. Okay. In addition to the educational information that was also on your Web site, you also had some -- listed some endorsements on the Web site, is that correct?

A. More than likely.

Q. And at one point in time, you were listing on your Web site that you had an endorsement from Tom Tancredo on your Web site, is that right? And it is, in fact, true that Mr. Tancredo never, in fact, endorsed you, isn't that right?

A. Mr. Tancredo gave me his support.

Q. But he never gave an endorsement, isn't that correct?

A. He gave me his support.

Q. But at no point in time did he specifically come out and say, I'm going to endorse you, did he, Ms. Schmidt?

A. He gave me his support.

MR. FINNEY: I object. I would ask that the witness answer the question.

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MR. TODD: Mr. Finney, I have been relatively quiet, as can you tell. And I would suggest that only one lawyer is permitted to ask questions. And for you to object to a question that your partner just asked my witness is a little unusual, shall we say. And --

MR. FINNEY: Well, let's get the Ohio

Elections Commission on the phone and see if

they will have Ms. Schmidt answer the question

since they are available to us.

BY MR. SABA:

Q. Well, it's a simple yes or no. He never,

in fact, endorsed you, did he?

A. Mr. Tancredo gave me his support.

Q. But he never said, Jean Schmidt, I'm

going to endorse you for Congress, did he?

A. Mr. Tancredo gave me his support.

Q. I understand your rehearsed answer,

ma'am, but it's a yes or no question, simply yes or no.

A. I don't know.

Q. Why wouldn't you know if you put his

information on the Web site that in fact indicates that  
he was endorsing you?

A. Mr. Tancredo and I met.

Q. Uh-huh.

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A. During that meeting, I walked away  
believing that his support was also an endorsement.

Q. And then, at some point in time, you put  
the endorsement on your Web site, and then subsequently  
you took the endorsement off your Web site, isn't that  
correct?

A. I assume that happened.

Q. Why did you take it off?

A. I didn't take it off the Web site.

Q. It's no longer on your Web site.

A. But I didn't take it off.

Q. You had someone else take it off, isn't

that correct?

A. Someone else must have taken it off, yes.

Q. Someone on your campaign became aware of

the fact that there was inaccurate information on your

Web site with regard to the endorsement from

Mr. Tancredo, isn't that right?

A. It looks that way.

Q. And as a result, then, of having

inaccurate information of the endorsement from

Mr. Tancredo on your Web site, that endorsement was

then -- or the information that indicated that you had been endorsed by Tancredo had been removed off the Web site, is that right?

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MR. TODD: Could you read back the question? It was a compound question. I'm confused as to what the real question was.

(The record was read.)

MR. TODD: Do you understand that question? Would you mind rephrasing that, Mr. Saba?

MR. SABA: Sure.

BY MR. SABA:

Q. At some point in time, you learned that you had inaccurate information on your Web site with regard to an endorsement from Tom Tancredo, correct?

A. I learned that there was a confusion.

Q. Did you call up Tancredo and say, I thought you gave me your endorsement?

A. I didn't call him up, no.

Q. So you just removed the endorsement language off your Web site, correct?

A. It was removed, yes.

Q. Because there was no point in calling him up. You learned before that time that, in fact, he had never endorsed you and the information was inaccurate, isn't that correct?

A. I can't answer that question.

Q. Let's talk about Steve Chabot. You never

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actually got Steve Chabot's endorsement either, did you?

A. Yes.

Q. Mr. Chabot specifically said, I'm going

to endorse you for Congress?

A. I think if you look at the paper, he said

he endorsed both of us.

Q. What paper, ma'am?

A. I believe it was in The Enquirer.

Q. You actually have a copy of this article

where Mr. Chabot says he's endorsing you?

A. On me, no.

Q. I'm sorry, what?

A. No. I don't have a copy, no.

Q. But you believe in some article,

Mr. Chabot actually expressly stated, unequivocally,

that he was endorsing Jean Schmidt?

MR. TODD: Let me just add for the record

that one of the exhibits, the complaint from

this matter that your firm filed, that article

is attached as an exhibit to the complaint in

which Representative Chabot does say, endorse

both Representative Schmidt and Mr. McEwen. And

he further said that he was not going to require

that Representative Schmidt remove the

endorsement from her Web site.

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MR. FINNEY: Paul, just so we're clear, they are continuing to misrepresent the article. I would refer to the article itself. Congressman Chabot says that he doesn't endorse either one of them, that he generally supports both of them, and didn't expect anybody to change their Web site or anything like that. But he did not -- he expressly said he did not endorse Ms. Schmidt. And you can refer specifically to the article if there's any question. But the question really is -- this is for Paul -- what conversations did she have with

Representative Chabot, and did he say that he endorsed her, yes or no.

MR. TODD: Well, answer the question, Paul.

MR. SABA: We were getting there.

MR. FINNEY: Actually, Bill, I would like to have a conversation with Paul in private, but because you moved the deposition to your office, and your phone system doesn't allow us to have conversations with him that don't appear on the record, I'm not able to do that.

MR. SABA: Well, I was going to get to that. I'm aware of the article, and I'm aware

of what it doesn't say in there about anything  
about endorsements.

BY MR. SABA:

Q. But, specifically, what did you and  
Mr. Chabot discuss about his endorsement?

A. I met with Mr. Chabot. I asked him for  
his support and his endorsement. I walked away  
believing I had both.

Q. Why?

A. Because when I asked him, I believed the  
answer said, I had both.

Q. I understand what you believe, and I'm  
trying to understand as to why that belief may have been  
reasonable or based on accurate information. During

that conversation, ma'am, he never actually came out and said that he was endorsing you, did he?

A. Yes.

Q. What did he say specifically?

A. He said he endorsed me.

Q. So your testimony today under oath that Chabot actually said, Jean Schmidt, I'm going to endorse you for Congress?

A. I specifically asked Mr. Chabot if he would endorse and support me. And he said yes. I am under oath. I must tell the truth.

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Q. Okay. And, specifically, did he say, I'm

going to endorse you?

A. I specifically asked the question, I would like your support and your endorsement. And he said yes.

Q. I understand the compound question. I'm asking specifically with regard to the endorsement.

MR. TODD: At this point, I'm going to suggest that this question has been asked and answered about three times.

MR. SABA: No. I was asking if he expressly stated he would endorse Jean Schmidt.

MR. TODD: And Congresswoman Schmidt has said at least three times, he said expressly that.

MR. SABA: I think it was in response to

a compound question as opposed --

MR. TODD: She's not asking questions.

You are.

MR. SABA: I understand. I'm just

responding to your objection.

MR. TODD: Okay.

BY MR. SABA:

Q. So, you believe the article, then, that

your counsel has actually referred to, which in fact

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expressly states that he did not endorse you, is an

inaccurate statement, isn't that right?

MR. TODD: I would appreciate it if you

would, instead of asking us all to speculate on  
the exact text of that article, Mr. Saba, if you  
would, since you have it in front of you,  
provide it to the witness.

MR. SABA: Sure.

MR. TODD: Thank you.

BY MR. SABA:

Q. While I'm grabbing that, let me ask you  
about the Family Research Council. You never actually  
got their endorsement, is that correct?

MR. TODD: You can answer if you know.

A. I don't know.

BY MR. SABA:

Q. It's on your Web site as being listed as

one of your endorsements, isn't that correct?

A. I don't know.

MR. SABA: Did we already mark this one?

MR. TODD: No. I think we only marked an

A.

MR. SABA: Okay.

(Off the stenographic record.)

(Deposition- Exhibits B and C were marked

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for identification.)

BY MR. SABA:

Q. Okay, ma'am, you've been handed what's

been marked, in front of you, as Exhibits B and C. Do

you recognize those documents?

A. Yes.

Q. B is an excerpt of your Web site, is that

correct?

A. B is?

Q. Yes, ma'am.

A. Was this on my Web site?

Q. Let me ask you this one: What did you

use B for?

THE WITNESS: Was it on my Web site?

MR. TODD: I don't know.

A. I don't know.

BY MR. SABA:

Q. Let's look at C.

A. Okay.

Q. C. That was on your Web site, is that correct?

A. I don't know.

Q. You've had endorsements listed on your Web site, is that right?

A. I guess.

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Q. And you see about the third, fourth one down there, you're indicating there that Mr. Chabot has, in fact, given you his endorsement, is that right?

A. Yes. It's on here.

Q. All right. Let's turn to the second-page of Exhibit B, please. I'm sorry, C.

A. Okay.

Q. You're also indicating on there that you've got the endorsement of the Family Research Council?

MR. TODD: I'll object to that characterization.

BY MR. SABA:

Q. Isn't that correct, ma'am?

A. It's incorrect. I don't think it -- I don't understand why that's there.

Q. It's your Web site, ma'am. That's what I'm trying to understand. It's underneath the endorsements caption. You've got a check mark in it just like you did all the other endorsements.

A. I don't know how it got there.

Q. So you're saying that is incorrect information, you never actually received the endorsement of the Family Research Council?

MR. TODD: I'll object to the

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characterization because it does not say that it's an endorsement.

BY MR. SABA:

Q. At any point in time, did you ever receive the endorsement of the Family Research Council?

A. I don't know.

Q. Well, did you ever check with them to see

if you could get their endorsement, ma'am?

A. I don't know.

MR. FINNEY: Paul, before we lose

Mrs. Schmidt, can you call me on your cell phone

real quick?

MR. SABA: Yes.

(Off the record.)

(Deposition- Exhibit D was marked for

identification.)

BY MR. SABA:

Q. Okay. You've just been handed what's

marked as Exhibit D. And within that document, there's

a reference, there's a statement from Gary Lindgren. Do

you know that individual?

A. Yes.

Q. Have you ever spoken to Mr. Lindgren  
about the alleged endorsement from Steve Chabot?

A. No.

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Q. Are you aware the fact that Mr. Lindgren  
says that Mr. Chabot was never asked for an endorsement  
from you for the race in 2005, isn't that correct?

A. You're asking me if I -- what was the  
question?

Q. Mr. Lindgren expressly states here in  
Exhibit D that Chabot was not asked for an endorsement  
by anyone in the race between yourself and McEwen?

MR. TODD: Mr. Saba, could you just make

it clear here that what you're referring to in Exhibit D is a Web blog that someone has posted on the Web, and that is not a statement by Mr. Lindgren. It is a report of a statement that Mr. Lindgren may have made. Correct?

MR. SABA: That's your commentary. I don't know if that's correct or incorrect.

MR. TODD: Well, that's not anything -- that's not a statement by Mr. Lindgren.

MR. SABA: Yes, but here's what we don't know, and here's what I want to ask Ms. Schmidt again.

BY MR. SABA:

Q. What specifically did Mr. Chabot say to

you that you obtained his endorsement?

A. I specifically asked him for his support

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and his endorsement. And he said yes.

Q. But he never said you had his

endorsement?

MR. TODD: At this point, since we've

been over this ground, I am going to object.

We've been over it and over it, and you've

gotten the same answer each time. And I don't

know that arguing with the witness about the

answer -- I know you don't like it, but that is

her answer.

BY MR. SABA:

Q. What else did he say, other than yes?

A. That was it.

Q. That was the end of the conversation?

A. Yes.

Q. How long did it last?

A. Two minutes.

Q. And why did you believe you had both the

endorsement and the support?

A. I asked a simple question.

MR. FINNEY: Paul, move on to the next

area.

BY MR. SABA:

Q. And what about specifically Tom Tancredo?

What specifically did he say to you about the

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endorsement?

A. I met with Mr. Tancredo. He was upset that his name had been inadvertently used by someone else in a manner that he didn't approve. In the conversation, he assured me that I had his support and, I believed, his endorsement.

Q. And then at some point you subsequently learned you, in fact, didn't have his endorsement, although you may have had his support, correct?

A. Correct.

MR. FINNEY: And what did he specifically say?

MR. TODD: Are you giving that to --

MR. SABA: That's what I was going to ask

next.

BY MR. SABA:

Q. That's what I want to know. What did he  
tell you?

A. We had a much longer conversation. In  
all honesty, I don't specifically remember the actual  
questions that were asked.

Q. Well, besides the questions that were  
asked, what did you discuss?

A. A lot of things.

Q. Well, I'm only focusing really on the

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endorsement. What did you discuss with regard to the endorsement?

A. Mr. Tancredo was very upset that his name was used by someone else in a manner that he did not approve of.

Q. Who is that someone else? You mean someone else like your Web site or your committee?

A. No. No.

MR. TODD: Paul, call me again.

(A recess was taken from 10:21 to 10:22.)

MR. TODD: Are we back on?

MR. SABA: Yes.

BY MR. SABA:

Q. All right. What specifically, then, did Mr. Tom Tancredo say to you that led to you believe you had his endorsement? An endorsement, not support, endorsement.

A. Someone on my campaign gave me information which I believe, but I'm not sure, came from my opponent's Web site, but I don't know where they got the information, that insinuated that Mr. Tancredo was supporting my opponent.

I went to meet with Mr. Tancredo.

Mr. Tancredo was very angry that his name had been used in that manner. We talked for a very long time. In

fact, he even requested for his assistant to come in and find ways to remove his name from any reference to my opponent.

When I left, I believed I had both his support and his endorsement. But, because it was a much longer meeting, I don't specifically remember the questions that were asked.

Q. Again, I just want to know, either you do or don't remember, but what specifically Tancredo said to you that would have led you to believe you had his endorsement?

A. I'm telling you what happened and giving you the answer.

Q. I understand that. And either you remember or you don't remember. I'm just asking.

A. It was a long conversation.

Q. I understand that, ma'am. And you've told me you don't remember the questions you may have asked him, but I'm asking expressly what he told you.

A. I walked away believing I had both his support and the endorsement.

Q. I understand that. You told me that.

MR. TODD: Let her finish, please.

BY MR. SABA:

Q. My question is: What did he say to you?

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And either you don't remember or you do. And if you do, tell me what he said.

A. I don't remember specifically what he said. It was a long conversation.

Q. And even though you met with him as a result of, apparently it was McEwen who allegedly misused his name, you didn't do anything after that meeting to ensure what you put on your Web site was, in fact, accurately correct, did you?

A. I didn't put it on my Web site.

Q. Someone put it on your behalf, isn't that right?

A. Somebody put on it the Web site.

Q. And then, subsequent to that meeting, and subsequent to having it put on the Web site, you had to then remove the endorsement from Tancredo off of your

Web site, isn't that right?

A. When I found out it was incorrect, it was removed.

Q. And you had a conversation with Tancredo about the fact that it was on there and had to be removed, isn't that right?

A. I didn't have a conversation with him specifically regarding the removal. It came to my office. When I was notified that he wanted it removed,

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it was removed.

Q. Let's talk about the Family Research Council.

A. Sure.

Q. What, if anything, did anyone from the Family Research Council say to you that led you to believe that you had their endorsement?

MR. TODD: Answer.

A. I never talked to the Family Research Council.

BY MR. SABA:

Q. So you did nothing to actually check to see if you had their endorsement, isn't that right?

A. I don't know how it got on the Web page.

Q. And it's a correct statement, too, that you never obtained the endorsement from the Family Research Council, isn't that right?

MR. TODD: If you know.

A. I don't know whether I received one or not. I don't know whether they endorse or not.

BY MR. SABA:

Q. And just so I'm clear, too, you never actually got the endorsement of Tancredo, did you?

A. When Mr. Tancredo wanted the endorsement removed, I asked for it to be removed.

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Q. Who would have been in charge of putting the endorsement on your Web site during the campaign?

A. No one specifically.

Q. And you have no explanation as to how the alleged endorsement from the Family Research Council

actually made it on your Web site, do you?

A. No idea.

Q. And as we sit here today, you have really no basis as to why you would have believed you had the endorsement of the Family Research Council, is that right?

MR. TODD: Can you answer that question?

A. No, I can't answer that question.

BY MR. SABA:

Q. Did you subsequently then have to remove the endorsement from the Family Research Council off of your Web site?

A. I don't know how it got on, and I don't know where it is now.

Q. And you don't know if it was removed?

A. I don't know.

MR. TODD: And we're talking about what  
you're referring to as an endorsement, Mr. Saba?

We're talking about that one paragraph that  
refers to the Family Research Council, is that

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correct, in which it says that Representative  
Schmidt supports the interests of the Family  
Research Council, correct? That's the statement  
you're referring to?

MR. SABA: It's the check mark just like  
all the others, right underneath the

endorsements column, yes.

MR. TODD: And it says that

Representative Jean Schmidt supported the

interests of the FRC, correct?

MR. SABA: It's on her Web page right

underneath the endorsements section.

MR. TODD: But that's the one we're

talking about, right?

MR. SABA: That's right.

MR. TODD: Okay.

MR. SABA: That's right.

BY MR. SABA:

Q. And when those endorsements were going on

and the information was going on on your Web site, you

did nothing to check or verify the accuracy of that

information, isn't that correct?

A. Correct.

Q. And you don't know if anyone on behalf of  
your committee actually verified the accuracy of the

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information that was going on your Web site during the  
April 2005 through August 2005 campaign, do you?

A. What was the question?

MR. TODD: Can you read it back? It was  
a little hard to understand.

BY MR. SABA:

Q. During April 2005 --

MR. TODD: No. Please --

MR. SABA: I'll strike it and --

MR. TODD: No. I think you did a decent  
job of asking it, but it was a little quick. So  
can you read it back?

(The record was read.)

A. No, I didn't know of anybody  
specifically.

BY MR. SABA:

Q. And subsequent to the time period of  
putting the alleged endorsement from Steve Chabot on  
your Web site, did you have any conversations with  
Mr. Chabot about the statement that he had endorsed you  
on your Web site?

A. What was the question?

MR. TODD: Why don't you read it back?

MR. SABA: I can reask it.

MR. TODD: Go ahead and read it back.

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Again, I think it was just a matter of, you  
asked it fairly quickly, and I think it was a  
good question.

(The record was read.)

A. I had one conversation with Mr. Chabot  
regarding the endorsement.

MR. TODD: The one you've already  
testified to?

THE WITNESS: Yes.

BY MR. SABA:

Q. So you had no conversations with him subsequent to that time period about his endorsement?

A. About his endorsement?

Q. Yes.

A. No. I mean, we had conversations, yeah, but not about that.

Q. And were you ever confronted by anyone from Mr. Chabot, or anyone on his behalf, about the fact that your Web site had incorrectly stated that he had endorsed you?

A. Did I personally have any contact? No.

Q. What about someone on behalf of your committee?

A. I'm sure someone -- I don't know. I

can't answer. They didn't talk to me. Chabot's

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committee did not talk to me.

Q. Well, not you personally. I'm talking about someone involved with your committee.

A. I can't answer that question. They didn't talk to me.

Q. I'm just asking if you're aware of it, ma'am, as opposed to specifically directing conversations to you, whether you have knowledge if someone on behalf of Chabot or his campaign or his committee spoke to someone on your behalf?

A. I don't have firsthand knowledge, no.

MR. FINNEY: Paul, I would probe that further. You didn't ask if she had firsthand knowledge. Did anyone from your staff have conversations with anyone from Mr. Chabot's staff about the issue after the endorsement controversy arose?

MR. SABA: I was going there.

A. I can't answer that. I don't know.

MR. TODD: And you're answering

Mr. Finney's question, correct?

THE WITNESS: Yes.

BY MR. SABA:

Q. You're not aware that the conversations actually occurred, is what you're saying?

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A. Correct.

Q. And you're not aware of any issue arising with Chabot about the endorsement after you put it on your Web site, is that right?

MR. TODD: You mean before his complaint was filed by your client?

MR. SABA: Correct.

A. No. I don't know the time frame, so I can't answer that. I really can't.

(Deposition- Exhibit E was marked for identification.)

BY MR. SABA:

Q. Okay. You've been handed what's been marked as Exhibit E. Have you had an opportunity to review it?

A. Yes.

Q. This is obviously an article from The Cincinnati Enquirer, and there's a specific quote in here from Gary Lindgren, and he specifically states as quoted, "We have not been asked for an endorsement by anyone in that race."

A. I never asked Mr. Lindgren. I asked Mr. Chabot.

Q. And further down, he says here, too, that generally, Steve does not endorse in local primary

elections.

A. I can't answer for Mr. Lindgren.

Q. And you're not aware of any of these

statements occurring at or around the March 2005 time

frame where Mr. Chabot or someone on his behalf is

saying that they have not been asked for your

endorsement, and that Mr. Chabot does not generally

endorse anyone?

A. I never talked with Mr. Lindgren.

Q. I didn't ask if you specifically spoke to

Lindgren. I asked if you were aware of it.

A. Aware of -- only when it's in print.

Q. Okay. So you became aware of it around

this time. What did do you?

A. I would imagine that we changed the Web site at that time when we became aware of it. I know we changed the Web site. I don't know when it was changed. We became aware of it and we changed it.

Q. So at some point, you became aware of the fact that your Web site had incorrectly listed Chabot as endorsing you, and as a result you then had to change the Web site, correct?

MR. TODD: If you know.

A. I can't answer that.

Q. Well, you just told me you changed the Web site. I'm asking --

A. But you're assuming a specific date, and I don't know the specific date. So I'm not going to answer.

Q. Ma'am, I didn't ask about a specific date. I asked about whether the fact you became aware of the fact the Web site had to be changed because you had incorrectly stated Chabot had endorsed you when, in fact, he had not.

A. Mr. Chabot had given me his support and his endorsement.

Q. Although in the article, it expressly states here that Chabot says he didn't endorse you.

A. Mr. Lindgren says Mr. Chabot didn't  
endorse me.

MR. TODD: Third-hand hearsay in this  
article.

BY MR. SABA:

Q. I understand that. But you understand  
what Mr. Lindgren's role is there to Chabot, don't you?

A. Sure.

MR. TODD: No, I have no idea.

MR. SABA: I'm asking her.

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BY MR. SABA:

Q. You just said sure, right?

A. He's his chief of staff.

Q. Okay.

MR. TODD: I'm a little surprised his chief of staff is so involved in the campaign.

THE WITNESS: Well, anyway, you've got about two more minutes. I'm going to have to go.

MR. SABA: And when will you be able to come back?

THE WITNESS: I'm not sure. I have an official duty.

MR. SABA: What is the official duty, by the way?

THE WITNESS: There's an individual coming into town from the State Department, that

I have to go meet.

MR. SABA: And how long is that meeting going to last? And when are you going to be able to come back?

THE WITNESS: I'm not sure, sir.

MR. TODD: We'll keep you advised.

THE WITNESS: We'll keep you advised.

You've got two minutes. Can we wrap this up in

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two minutes?

MR. SABA: No.

THE WITNESS: Okay.

MR. SABA: I'm trying to be polite and

accommodate the schedules. I'm asking when we  
can finish up later today or tomorrow. When are  
you going to be able to finish up?

THE WITNESS: I'm not sure.

MR. TODD: Well, I think we've covered  
everything that's relevant, so we'll talk to you  
about that.

MR. SABA: Oh, we're not done.

MR. TODD: Well, we'll talk to you about  
that.

MR. SABA: Well, if you want to get  
the -- if you want to move for a protective  
order, then why don't you get the Elections  
Commission on the phone.

MR. TODD: All right. We're going to,

but the Congresswoman has to leave.

THE WITNESS: I've got to go. Thank you.

(The witness left the conference room.)

MR. SABA: Well, I'll let you know that

we object to that, because I don't understand

what the official duty is when you told us she

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was going to be made available.

MR. TODD: Well, I'm not going to get

into an argument with you about it. I refuse to

do that. The reality is that, as a sitting

member of Congress, she does have some

responsibilities other than campaigning. And

one would hope that her primarily interest is fulfilling those responsibilities and not being worried about a campaign, or a very important case to you, I guess, but she does have official responsibilities. And we would hope, all of us, that that would be her primary responsibility.

MR. SABA: And as a result of that, I'm not sitting here complaining that she has walked out in the middle of this deposition, you know, terminating it, but I have asked --

MR. TODD: We're not terminating it.

MR. SABA: Fine. When will she be available to come back?

MR. TODD: We'll find out.

MR. SABA: Why don't you know now?

MR. TODD: Because I don't know how long  
this meeting is going to last.

MR. SABA: Why wouldn't she know? She's  
got a schedule --

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MR. TODD: She didn't share it with me,  
Mr. Saba, because it is not in her best interest  
to share certain official responsibilities with  
anyone who is not privileged to know. I have --

MR. FINNEY: Hold on. Paul, let's wrap  
that up. I mean, you will let us know if and  
when you're going to make Ms. Schmidt available

to finish her deposition, correct?

MR. TODD: Well, assuming that there's any need for any further questioning, Chris. I mean, you all may disagree with me on this, but I think you've asked and answered everything that pertains to the allegations in the two complaints.

MR. FINNEY: Well, I'm going to go over that with Paul, but at least our position right now is that we would like to reconvene the deposition.

MR. TODD: And I am certainly open to that, Chris. I am not saying that that is not -- that we're terminating the deposition.

But, you know, I apologize that she had to go,  
but she told me last night that this matter came  
up with the State Department. I have no idea  
what it is.

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MR. FINNEY: Okay. I was not aware it  
was lat minute. Then, I appreciate that.

(The deposition is adjourned at

10:40 a.m.)



