

propriety of including such information, so long as there was no suggestion of linkage between financial contributions and the position the DNC supporters sought to advance.

h. DNC Policies and Practices Concerning the Intersection of Fund-raising and Contacts with Administration Officials

The direct evidence of DNC conduct with regard to the Hudson matter is mixed. Some testimony and documents suggest that lobbyists, tribal representatives and DNC officials discussed jointly the hope or expectation that the opponents would repeat in the future the Democratic contribution habits they had established in the past, while also discussing DNC intervention with the White House and Interior consistent with the tribes' opposition to the Hudson application. Other testimony, including that of Fowler, Mercer and O'Connor, indicates that there was no linkage between discussion of planned or potential contributions and discussion of the casino application. Fowler defended his conduct in the Hudson matter as proper and fully within his role and prerogative as National Chairman of the DNC, which he felt called for him to serve as a link between Democratic constituents and the Democratic Administration.

Like so many aspects of potential corruption cases, investigation of the actual conduct and motivations of key participants in the Hudson matter has entailed review of similar scenarios and related conduct by those individuals in other instances. Because direct proof of criminal *quid pro quo* is often elusive, circumstantial and pattern evidence is sometimes the pivotal proof of what actually transpired in the case at issue, particularly in relation to issues of knowledge and intent. For that reason, we have examined in some detail available records and witnesses for evidence of DNC policies, practices and events that might shed light on the Hudson matter. Ultimately, we identified evidence of some questionable practices and evidence of policies that