



# Lathrop & Gage Attorney

## Thor Hearne,

### National Counsel for Bush-Cheney Re-election 2004

What do the Presidents of many Missouri companies have in common with the President of the United States? Lathrop & Gage attorney Thor Hearne is their lawyer.

Hearne, a member in Lathrop & Gage's St. Louis office, was the National Counsel for the Bush-Cheney 2004 campaign. He was responsible for advising the campaign on national litigation and election law strategy as well as recruiting and overseeing local counsel.

From September through the election, Hearne traveled to every battleground state and oversaw more than 65 different lawsuits that concerned the conduct of the election. Every case was favorably resolved and included matters before various state supreme courts, several emergency appeals to the 6th circuit U.S. Court of Appeals and writs to the U.S. Supreme Court as well as litigation in multiple federal district and state trial courts.

In addition to serving as National Counsel to the Bush campaign, Hearne served as General Counsel to Matt Blunt, Todd Akin and Kenny Hulshof's campaigns. He was also involved with Governor Schwarzenegger's election campaign.

**Excerpts from *Missouri Lawyers Weekly's* News Editor, Anne Chellis Vitale, interview with Hearne regarding his role as National Counsel to Bush-Cheney Re-election. The interview was part of *Missouri Lawyers Weekly's* selection of Hearne as one of their *Lawyers of the Year for 2004*.**

#### **VITALE:**

It looks like your political involvement dates back to the age of 15. What sparked your interest in politics?

#### **HEARNE:**

My first political involvement was going door-to-door with my parents campaigning for Barry Goldwater. My father is a history professor so growing up in my family involved long dinner discussions about politics and history. My parents were both very involved in Republican politics and big early Reagan supporters. I think they first had dinner with Reagan in 1968 and worked for his election in 1976 as well as 1980 and 1984. Therefore, Reagan had a formative role in my political education and interest. I remember the 1976 Missouri Republican Convention when Reagan carried the Missouri delegation over Gerald Ford. Through this experience, I saw politics as the process by which history is written.

#### **VITALE:**

What do you find most rewarding about your political involvement?

#### **HEARNE:**

My involvement in Republican politics has allowed me to develop

relationships with wonderful people. I have been very impressed by the intelligence as well as the compassion of many of those I work with in Republican activities.

**"Thor, Thank you for the fantastic job you did for my campaign. Because of your tireless efforts, the Vice President and I were able to share our hopeful and optimistic agenda all across the country. America responded, and we achieved an historic nationwide victory."**

— President George W. Bush, December 21, 2004

#### **VITALE:**

How were you selected as national election '04 and what does this role entail?

#### **HEARNE:**

I was asked by President Bush's uncle, Bucky Bush, to be the general counsel to the Bush-Cheney campaign in Missouri in the fall of 2003. (I had worked with the Bush campaign in 2000 and successfully represented the campaign in the City of St. Louis poll closing litigation and in Florida in 2000 in Broward County.) During the Republican National Convention in August 2004, I was asked to be national counsel to the campaign and advise the campaign on not just Missouri legal issues but national legal strategy and election litigation.

This position involved recruiting and organizing a legal team in each battleground state and specifically in each major contested county. This is where I picked up on the work already done by Ben Ginsberg. Additionally, I advised the campaign — Ken Mehlman (campaign manager), Tom Josefiak (in-house general counsel), Terry Nelson, (political director), Cuddy Johnson and others on both legal strategy and specific litigation that could affect the election.

There were more than 65 different lawsuits that the Kerry campaign, Democrat party organizations and their proxy groups filed during the three months leading up to Election Day. Of these lawsuits, every one was successfully resolved in favor of the Republicans. The cases included obtaining injunctions and restraining orders against the Democrat National Committee and Democrat state parties and some Democrat allied third party organizations in Ohio and Florida.

**CNN.com**

**Broward County, Florida, officials accept 'dimpled' and '1-corner' chad.**



*Thor Hearne, an attorney with the Bush campaign examines a ballot during a manual recount at the Broward Emergency Operating Center in Plantation, Florida.*



*President George H. W. Bush and Hearne in front of Airforce One*

**Thank you for your unique contribution to President Bush's Re-election. You helped us achieve an historic victory and we could not have crossed the finish line first without your help. Because of your service and sacrifice, we were able to build an unprecedented grassroots organization, which yielded a record turnout of Republicans."**

*— Terry Nelson, Political Director for Bush-Cheney 2004*

**VITALE:**

How many other attorneys serve in this role across the country?

**HEARNE:**

I was the only national counsel. Tom Josefiak, former head of the Federal Election Commission, was in-house general counsel to the campaign. We also worked with numerous local counsel throughout the country.

**VITALE:**

How, where and with whom did you celebrate the Bush-Cheney re-election campaign victory?

**HEARNE:**

On Election Day, I was in Arlington, Virginia at the campaign headquarters. At about 1:00 a.m. the following morning, Senator Edwards made his speech suggesting that they would not accept the defeat in Ohio and would "count every vote." I immediately flew to Columbus, Ohio and was there by 5:30 a.m. We knew that we had won and that there was no way to change the outcome. That is why I think that Senator Kerry's concession the following afternoon was a wise and thoughtful decision on his part and one that really placed the nation's best interest ahead of his immediate political objective.



*Vice President Cheney and Hearne*

**VITALE:**

How were you selected as General Counsel to Matt Blunt, Todd Akin and Kenny Hulshof, and what did these roles entail?

**HEARNE:**

I am very impressed by Matt Blunt. He has shown real leadership in his four years as Secretary of State and I am confident that he will be an outstanding Governor. I was honored to be asked to be his general counsel. With Matt, as well as Kenny and Todd, I advise the campaign on various legal issues especially campaign finance. Political activity is now a highly regulated activity. The McCain-Feingold campaign finance legislation (also known as Bipartisan Campaign Finance Reform Act or BCRA) added a great deal of complexity and ambiguity to political advocacy as well as significant civil and criminal penalties for failure to comply with the law. The joke in Washington is that BCRA really stands for "Before Campaigning Retain Counsel." I do not believe that it is a good thing for political speech to be so heavily regulated. It raises real constitutional concerns. The law is so obscure that no one — including the courts — really knows what it means. But, one thing is clear. More than ever before, a political candidate, campaign, business or even an individual wanting to participate in the political process needs

experienced legal advice to avoid falling into the snares of BCRA. My role is to advise Kenny, Todd and Matt and their campaign on these issues and provide them with direction. Since Matt's campaign was a state campaign, the Missouri Ethics Commission and state campaign regulation were involved.

Todd and his family have been friends of my family for as long as I can remember. I represented Todd in his primary election recount in August 2000. With the retirement of Dick Gephardt, Todd is now the go-to congressional representative for the St. Louis area. He is rising in his leadership on armed services and small business issues and I think he will have a bright future in the House.



*Hearne and Senator Kit Bond at a press conference.*

Kenny is one of Missouri's rising political stars. He was the Missouri spokesperson for President Bush and did an outstanding job. I think Kenny's stock is definitely on the rise in Washington, D.C. With tax reform, Kenny's role on the House Ways and Means Committee will be very important to Missouri. One thing I have noticed about Kenny is the degree to which he is respected in various court houses throughout the state. Before being a congressional representative, Kenny was a very experienced attorney and prosecutor.

**"Thor, Thank you so much for all you did to win this election for our President. Throughout a long and incredibly hard-fought campaign, you gave it your all. Helped by your efforts, the American people came to know and appreciate the strength, wisdom, and vision of this President."**

*— Karl Rove, Assistant and Senior Advisor to the President, November 17, 2004*

**VITALE:**

How did you get involved with Gov. Schwarzenegger's election campaign?

**HEARNE:**

I was asked by a friend of mine, Chuck Bell, state party counsel to the California Republican Party to fly to California for the Gray Davis Recall election. Chuck and his team had done an outstanding job of organizing California for this election and had teams of lawyers ready to respond to any last minute election litigation. Because of some of my activity in Missouri and Florida in 2000, Chuck asked if I could provide any additional advice. Frankly, Governor Schwarzenegger won by such a significant margin that his opponents had no ability to litigate the outcome. What I do recall from the last days of that campaign is the effort to smear Governor Schwarzenegger with unfounded allegations. It showed how much of a "Blood Sport" politics can become.