



Jeff

DEMOCRATIC NATIONAL COMMITTEE

August 13, 2004

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FEDERAL ELECTION
COMMISSION
ON
GENERAL
OFFICE
CO. JEL

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General Counsel's Office
Federal Election Commission

Re: MUR 5476

Parties: DNC Services Corporation/Democratic National Committee (DNC)
Democratic Victory Fund (DVF)
NJ Democratic Victory Fund (NJ DVF)

Dear Mr. Jordan:

This letter and the attached affidavit are in response to your correspondence to the DNC re: MUR 5476.

Your correspondence addressed to the Democratic Victory Fund and NJ Democratic Victory Fund re: MUR 5476 was forwarded to us. We are not sure whether the Democratic Victory Fund and NJ Democratic Victory Fund are accounts controlled by the DNC, and we have no record of contributions to these accounts, but this letter and the attached affidavit are also in response to your correspondence to these two entities.

MUR 5476 is based on the Federal Election Commission's receipt on July 7th of a complaint from the Assistant Attorney General-in-Charge of the Charities Bureau of the Department of Law of the State of New York, regarding contributions made by the Harold S. & Marian B. Coleman Charitable Foundation, Inc. The Foundation is a 501(c)(3), New York not-for-profit corporation, and submits information returns to the Charities Bureau on an annual basis.

In the course of a Charities Bureau review of the Foundation's 9/30/98 through 9/30/02 returns, a Bureau accountant noted several Foundation contributions to political committees, including contributions to the three above referenced parties. Specifically, the accountant noted:

- 1 contribution of \$100 to the Democratic Victory Fund (DVF) in the fiscal year ending 9/30/00
- 1 contribution of \$100 to the NJ Democratic Victory Fund (NJ DVF) in the fiscal year ending 9/30/00
- 2 contributions totaling \$200 to the Democratic National Committee (DNC) in the fiscal year ending 9/30/01
- 1 contribution of \$100 to the Democratic National Committee (DNC) in the fiscal year ending 9/30/02

The Assistant Attorney General-in-Charge concluded that these contributions constituted a violation of the Federal Election Campaign Act (FECA) and filed a complaint with your office.

These contributions do not constitute a FECA violation. According to their returns, the Foundation made each of these contributions at a time when federal law allowed corporate contributions to the DNC and presumably the DVF and NJ DVF. The Foundation made these contributions well before the November 6, 2002 implementation of the Bipartisan Campaign Reform Act of 2002 (BCRA), which amended FECA and put in place a prohibition on corporate contributions.

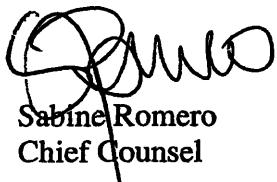
Furthermore, the DNC has a record of only one contribution to the DNC—the final contribution of \$100, received October 23, 2002 and deposited October 28, 2002 into the DNC's nonfederal corporate account. We have no record of the other contributions.

In support of this letter, find attached an affidavit signed by our Chief Financial Officer, Brad Marshall.

No action should be taken in this matter against the DNC Services Corporation/Democratic National Committee, Andrew Tobias as Treasurer, the Democratic Victory Fund, or the NJ Democratic Victory Fund.

Please let us know if you have any further questions. I can be reached at 202-863-7198.

Thank you,



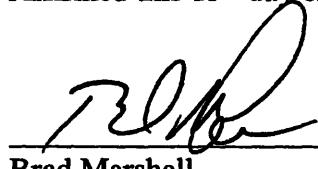
Sabine Romero
Chief Counsel

AFFIDAVIT

Brad Marshall, under penalty of perjury, affirms as follows:

1. I have served as Chief Financial Officer of the DNC Services Corporation/Democratic National Committee (DNC) since Since 1993.
2. We are not sure whether the Democratic Victory Fund and NJ Democratic Victory Fund are accounts controlled by the DNC; we have no record of contributions to these accounts.
3. The DNC Services Corporation/Democratic National Committee (DNC) did receive one contribution from the Harold S. & Marian B. Coleman Charitable Foundation, Inc. According to our contribution database, the DNC received a \$100 contribution on October 23, 2002. It was deposited on October 28, 2002, into the DNC's non-federal corporate account.
4. We received and deposited this contribution before the change in federal election laws prohibiting the DNC's receipt and deposit of corporate contributions.
5. We have located no other records of any other contributions from the Harold S. & Marian B. Coleman Charitable Foundation, Inc.

Affirmed this 13th day of August, 2004:

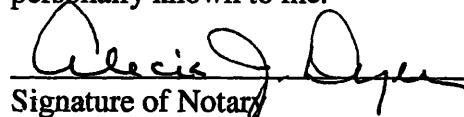


Brad Marshall

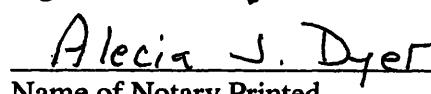
NOTARIZATION

District of Columbia

Subscribed and sworn to before this 13th day of August, 2004, by Brad Marshall, who is personally known to me.



Signature of Notary



Name of Notary Printed