

Herrera, Long & Pound, P.A.

Attorneys at Law

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Judith C. Herrera
Nancy R. Long
John B. Pound
Eugene I. Zamora

November 24, 1997

F. Andrew Turley, Esq.
Supervisory Attorney
Central Enforcement Docket
Federal Election Commission
Washington, D.C. 20463

Re: MUR 4643

Dear Mr. Turley:

Thank you for your letter of November 6, 1997.

As I read Mr. Dendahl's letter, it adds nothing to the earlier-filed complaint. His thesis is the same, i.e., that because there was only one election scheduled, any activity on the part of the Democratic Party of New Mexico or any other group espousing issues favored by Democrats was illegal. The logical end point to Mr. Dendahl's position is that when a special election is held for a federal office, only the candidates themselves are permitted to spend money; if persons or organizations interested in issues spend money, the expenditures are unlawful because they can only be of assistance to one candidate. Dendahl's approach is as ridiculous today as it was a few months ago.

The information laid out in page 2 of Mr. Dendahl's letter itemizes what is characterized as "over \$104,000 in 'soft money' spent by the Democratic Party of New Mexico." The Democratic Party of New Mexico, of course, has every right to devote its financial resources to GOTV efforts. A political party wants all of its candidates to be elected. In addition to this, however, a political party is interested in stressing the importance of voting in general. I presume the Democratic Party of New Mexico believes that if people can be persuaded to vote in any given election, they will be more likely to become steady voters.

Mr. Dendahl would have the FEC pronounce the Eric Serna campaign guilty of violating federal election law simply by virtue of the fact that Mr. Serna benefited from the Democratic Party's GOTV efforts. Importantly, Dendahl offers no evidence that anyone connected with the Serna campaign was involved in those efforts. Instead he makes a bald assertion of what his committee "believes" and throws the whole thing into the FEC's lap.

At page 3 his letter, Mr. Dendahl claims that the Teamsters' DRIVE political fund and four identified individuals made contributions to the Democratic Party of New Mexico

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F. Andrew Turley, Esq.
November 24, 1997
Page Two

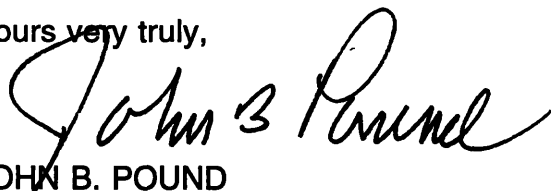
at a point in time when the money could be expected to be spent in connection with the voter drive with which the party was involved. Dendahl makes no allegation that this was done in coordination with the Serna campaign. He makes no assertion that anyone connected with the Serna campaign even knew about these contributions. If this portion of the Dendahl letter is intended to state some sort of claim against the Serna campaign, I am at a loss as to exactly what the theory would be. Even if there was something wrong with the party having accepted contributions, and there is not, this has nothing to do with Mr. Serna or his campaign.

The last page of the Dendahl letter complains of monies which were handled by "DPNM staffer Randy Dukes." Note that Dendahl once again fails to make any allegation that the Serna campaign had any involvement with whatever it is Mr. Dukes is accused of having done. As best I can tell, Dendahl simply points out that Mr. Dukes was a person who decided how \$48,000 in election-related funds would be spent by the DPNM. According to Mr. Dendahl, the fact of these expenditures makes Dukes a suspicious person, who should be investigated by the Federal Election Commission.

While the Dendahl letter names both the Democratic Party of New Mexico and the Serna campaign as respondents, no claim is made against the latter. The Serna campaign is included because, without it as a nominal respondent, the fallacy upon which the whole complaint is based would be doubly transparent.

I do not want this letter to appear flippant. If evidence had been offered against the Serna campaign, I would, of course, respond with more concrete information. As things stand, however, Mr. Dendahl has not attached any meat to the skeletal accusation advanced. If you believe that I have misconstrued something in the Dendahl letter, or if there is specific information I have not offered here that you would like to have, please do not hesitate to be in touch.

Yours very truly,



JOHN B. POUND

jbp/kb

cc: Mr. Eric Serna

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