



FEDERAL ELECTION COMMISSION
Washington, DC 20463

May 27, 1999

Judith L. Corley, Esq.
Marc E. Elias, Esq.
Perkins Coie, LLP
607 Fourteenth St., N.W.
Washington, D.C. 20005-2011

RE: MUR 4763
Texas Democratic Party, *et al.*

Dear Ms. Corley and Mr. Elias:

As we discussed during our phone conversation on March 21, based on our review of the responses and documents submitted on behalf of your clients in response to the Commission's subpoenas, the need for clarification of certain responses has become apparent, as well as the need for additional information. The enclosed Questions and Request for Production of Documents are intended to clarify these responses and to elicit the pertinent information.

As we agreed, this Office has compiled tables listing the intra-party transfers disclosed in the various Texas Democratic committees' reports to the Commission. The tables attached to the questions cover transactions occurring from 1993 through 1996, and may have been reported by the committees as transfers, direct contributions or in-kind contributions. In the initial discovery responses, the Texas Democratic Party ("TDP") stated that "it is a matter of public record that the TDP participated in a limited number of transfers with various County Parties," and that information concerning these transfers "is contained in reports filed with the Federal Election Commission." Similarly, the Bexar County Democratic Party, Dallas County Democratic Party, Galveston County Democratic Party, Harris County Democratic Party, Travis County Democratic Party and 21st Century (a/k/a "Tarrant County") Democratic Party each stated that "it is a matter of public record that [name of committee] participated in a limited number of transfers with [TDP]," and that information concerning these transfers "is contained in reports filed with the Federal Election Commission." The Jefferson County Democratic Party ("JEF") stated that "it is a matter of public record that JEF and the [TDP] occasionally received and/or sent money to one another," and that this information "is contained in reports filed with the Federal Election Commission." Pursuant to these responses, please have your clients review the tables to ensure that they correctly and accurately list each and every transfer that occurred between the TDP and the respondent county committees from 1993 through 1996.

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The requested information may reference transfers for which relevant documents (e.g., canceled checks) have already been produced. Where applicable, we have included the Bates numbers to assist your clients with their responses.

Please provide the requested information and documents within fifteen (15) days of your receipt of this letter. The instructions and definitions included with the original subpoenas are still applicable. We appreciate your and your clients' cooperation in this matter. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Thomas J. Andersen

Thomas J. Andersen
Attorney

Enclosures

Questions and Request for Production of Documents (with attached tables)



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b. State whether the respondent Democratic county committees, between January 1, 1993 and December 31, 1996, received any such transfer that is *not* listed in the attached tables. For each such transfer, provide the date, amount and purpose of the transfer.

Figure 1. The effect of the concentration of the *Agrobacterium* strain on the transformation efficiency of *Agrobacterium* strain 101. The concentration of the *Agrobacterium* strain 101 was varied from 10⁶ to 10⁹ cells/ml. The transformation efficiency was determined by the number of transformants per 10⁶ cells of the *Agrobacterium* strain 101. The data are the mean \pm SD of three independent experiments.

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5. a. Identify which, if any, of the transfers listed in the attached tables (and those not listed) consisted of joint fundraising proceeds.

b. For each and every such transfer, identify all political committees or organizations that participated in the joint fundraiser, the fundraising representative, the allocation formula used, the date(s) of the fundraiser and account(s) from which proceeds were disbursed.

c. For each such joint fundraiser in which the TDP or any of the county committee respondents served as a fundraising representative, provide copies of any written agreements naming the representative and stating the allocation formula.

6. a. State why the TDP transferred \$30,500 in federal funds to the Galveston County Democratic Party on or around December 2, 1996, by check no. 5294 (Bates # TDP0442-TDP0444, GAL0017), and how the amount and timing were determined.

b. State whether this transfer was a payment for goods or services and, if so, describe such goods or services.

c. State whether the funds were used for activities carried out or directed by the Galveston County Democratic Party on behalf of, or at the request or suggestion of, the TDP.

7. a. State why the TDP transferred \$15,000 in federal funds to the Tarrant County Democratic Party on or around October 11, 1996, by check no. 1716 (Bates # TDP0390-TDP0392, TAR0028), and how the amount and timing were determined.

b. State whether this transfer was a payment for goods or services and, if so, describe such goods or services.

c. State whether the funds were used for activities carried out or directed by the Tarrant County Democratic Party on behalf of, or at the request or suggestion of, the TDP.

8. a. State why the TDP transferred \$20,000 in federal funds to the Tarrant County Democratic Party on or around September 20, 1994, by check no. 1056 (Bates # TDP0501-0502, TAR0016-TAR0017), and how the amount and timing were determined.

b. State whether this transfer was a payment for goods or services and, if so, describe such goods or services.

c. State whether the funds were used for activities carried out or directed by the Tarrant County Democratic Party on behalf of, or at the request or suggestion of, the TDP.

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d. State whether these funds were issued pursuant to the Check Request dated "Sept. 19" (Bates # TDP0501), whether these funds were used for phone banks and, if so, whether the phone calls were for get-out-the-vote activity.

e. State whether the transfer was an advance for activity to be conducted by the Tarrant County Democratic Party.

f. State what position(s) was held by Harold Cook with the TDP on September 19, 1994 (Bates # TDP0501).

9. a. State why the TDP transferred \$856.02 in federal funds to the Travis County Democratic Party on or around October 2, 1996, by check 5122 (Bates # TDP0393-TDP0395, TRA0032), and how the amount and timing were determined.

b. Explain what is meant by the notation "Birthday Distribution" written on the check stub (Bates # TDP0393).

c. State whether a formula (e.g., pro rata for each county committee) was used to determine the amount of the distribution and, if so, provide the formula used.

10. a. State why the TDP transferred \$769.50 in federal funds to the Jefferson County Democratic Party on or around October 16, 1996, by check no. 5154 (Bates # TDP0381-TDP0383, JEF0001), and how the amount and timing were determined.

b. Explain what is meant by the notation "Birthday Distribution" written on the check stub (Bates # TDP0381).

c. State whether a formula (e.g., pro rata for each county committee) was used to determine the amount of the distribution and, if so, provide the formula used.

11. a. State why the TDP transferred \$20,000 in federal funds to the Dallas County Democratic Party on or around September 20, 1994, by check no. 1057 (Bates # TDP0247-0249, TDP0503-504), and how the amount and timing were determined.

b. State whether this transfer was a payment for goods or services and, if so, describe such goods or services.

c. State whether these funds were issued pursuant to the Check Request dated "Sept. 19" (Bates # TDP0503), whether these funds were used for phone banks and, if so, whether the phone calls were for get-out-the-vote activity.

d. State whether the transfer was an advance for activity to be conducted by the Tarrant County Democratic Party.

12. a. State why the TDP transferred \$197.50 in federal funds to the Bexar County Democratic Party on or around August 6, 1996, by check no. 4790 (Bates # TDP0351-TDP0353, BEX0008), and how the amount and timing were determined.

b. Explain what is meant by the notation "Sustaining Member Distribution-July" on the check stub (Bates # TDP0351).

c. State whether a formula (e.g., pro rata for each county committee) was used to determine the amount of the distribution and, if so, provide the formula used.

13. a. State why the Harris County Democratic Party transferred \$15,000 in federal funds to the TDP on or around October 18, 1996, by check no. 1452 (Bates # TDP0402-TDP0404; HAR0003), and how the amount and timing were determined.

b. State whether this transfer was a payment for goods or services and, if so, describe such goods or services.

14. State whether the January 1996 edition of The Rules of the Texas Democratic Party ("Rules") is the most current edition. If not, provide the most current edition.

15. a. State whether the following provision in Article I of the Rules applies to Democratic county chairs or members of county executive committees in Texas: "Every person who accepts a Party office at any level . . . must agree to support all of the Party's nominees or shall be removed" (Bates # TDP0016).

b. If the above provision is based on or derived from the Texas Election Code, cite which section.

16. a. State whether Article III.A.12 and III.A.13 (Bates # TDP0019, pertaining to "grounds for removal" and to the term "publicly supports") applies to Democratic county chairs or members of county executive committees in Texas.

b. If the above provision is based on or derived from the Texas Election Code, cite which section.

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17. State whether the following individuals serve or served in positions with the TDP while simultaneously holding positions with the Dallas County Democratic Party. For each such individual, provide the starting and ending dates that the individual held both positions. For each such individual, state the position the individual holds or held at the county party level.

- a. Roberto Alonzo
- b. Shannon Bailey
- c. William Callejo
- d. Bernice G. Conley
- e. Theresa Daniel
- f. Dorothy Dean
- g. Gary Fitzsimmons
- h. Terri Hodge
- i. Bobbie Sue Holbrook
- j. Ken Molberg
- k. Jay Newman
- l. Lisa Y. Payne
- m. Barry W. Sprouse
- n. Peggy Wildman
- o. Ruth L. Wells Wyrick

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18. State whether the following individuals serve or served in positions with the TDP while simultaneously holding positions with the Tarrant County Democratic Party. For each such individual, provide the starting and ending dates that the individual held both positions. For each such individual, state the position the individual holds or held at the county party level.

- Don Winters
- Harriet Irby
- Gwen Marlin
- Grover Swift

Federal Receipts by Democratic County Party Committees in Texas from Texas Democratic Party, 1993-1996

<u>COMMITTEE NAME</u>	<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>DATE MADE</u>
Bexar County Dem Party	4/20/93	\$ 1,165.00	
Bexar County Dem Party	4/28/93	\$ 2,647.59	
Bexar County Dem Party	5/6/93	\$ 200.00	
Bexar County Dem Party	5/11/93	\$ 10,000.00	5/11/93
Bexar County Dem Party	8/6/96	\$ 197.50	
Bexar County Dem Party		\$ 1,135.00	4/15/93
Bexar County Dem Party Total		\$ 15,345.09	
Dallas County Dem Party	4/8/93	\$ 2,500.00	4/2/93
Dallas County Dem Party	4/8/93	\$ 3,300.00	4/7/93
Dallas County Dem Party	4/13/93	\$ 2,500.00	4/8/93
Dallas County Dem Party	4/19/93	\$ 7,580.00	4/15/93
Dallas County Dem Party	4/26/93	\$ 6,330.00	4/20/93
Dallas County Dem Party	4/30/93	\$ 3,100.00	4/28/93
Dallas County Dem Party	5/18/93	\$ 14,000.00	5/14/93
Dallas County Dem Party	5/20/93	\$ 5,000.00	5/18/93
Dallas County Dem Party	5/26/93	\$ 1,000.00	5/21/93
Dallas County Dem Party	6/4/93	\$ 2,000.00	6/2/93
Dallas County Dem Party	9/23/94	\$ 20,000.00	9/20/94
Dallas County Dem Party	10/31/94	\$ 4,000.00	10/26/94
Dallas County Dem Party	11/7/94	\$ 15,000.00	11/3/94
Dallas County Dem Party	11/7/94	\$ 2,500.00	11/5/94
Dallas County Dem Party	11/7/94	\$ 3,000.00	11/7/94
Dallas County Dem Party	11/17/94	\$ 2,560.00	11/11/94
Dallas County Dem Party	10/21/96	\$ 4,393.75	10/16/96
Dallas County Dem Party Total		\$ 98,763.75	
Galveston County Dem Party	11/1/96	\$ 2,500.00	10/31/96
Galveston County Dem Party	11/2/96	\$ 1,000.00	11/1/96
Galveston County Dem Party	11/21/96	\$ 3,510.50	11/21/96
Galveston County Dem Party	11/26/96	\$ 2,782.90	11/22/96
Galveston County Dem Party	12/2/96	\$ 30,500.00	12/2/96
Galveston County Dem Party	12/6/96	\$ 5,000.00	12/6/96
Galveston County Dem Party	12/9/96	\$ 3,000.00	12/9/96
Galveston County Dem Party	no date	\$ 5,000.00	10/27/94
Galveston County Dem Party Total		\$ 53,293.40	
Harris County Dem Party	3/22/93	\$ 1,500.00	3/19/93
Harris County Dem Party	4/5/93	\$ 3,750.00	4/5/93
Harris County Dem Party	4/7/93	\$ 3,220.00	4/7/93
Harris County Dem Party	4/13/93	\$ 5,000.00	4/12/93
Harris County Dem Party	4/16/93	\$ 4,470.00	4/15/93
Harris County Dem Party	4/18/93	\$ 2,000.00	
Harris County Dem Party	4/23/93	\$ 3,600.00	
Harris County Dem Party	4/29/93	\$ 10,000.00	4/27/93
Harris County Dem Party	5/2/93	\$ 3,000.00	4/30/93
Harris County Dem Party	5/18/93	\$ 3,000.00	
Harris County Dem Party	5/19/93	\$ 3,000.00	
Harris County Dem Party	5/20/93	\$ 6,200.00	5/18/93
Harris County Dem Party	5/24/93	\$ 8,400.00	5/21/93

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Federal Receipts by Democratic County Party Committees in Texas from Texas Democratic Party, 1993-1996

<u>COMMITTEE NAME</u>	<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>DATE MADE</u>
Harris County Dem Party	5/28/93	\$ 5,000.00	5/26/93
Harris County Dem Party	10/1/96	\$ 934.04	
Harris County Dem Party		\$ 4,470.00	4/20/93
Harris County Dem Party		\$ 5,500.00	5/14/93
Harris County Dem Party		\$ 1,250.00	6/4/93
Harris County Dem Party		\$ 1,100.00	8/30/94
Harris County Dem Party Total		\$ 75,394.04	
Jefferson County Dem Party	10/24/96	\$ 769.50	10/16/96
Jefferson County Dem Party Total		\$ 769.50	
Tarrant County Dem Party	3/18/93	\$ 2,500.00	3/18/93
Tarrant County Dem Party	4/6/93	\$ 7,610.00	4/5/93
Tarrant County Dem Party	4/16/93	\$ 5,350.00	4/15/93
Tarrant County Dem Party	4/29/93	\$ 2,325.00	4/20/93
Tarrant County Dem Party	4/29/93	\$ 2,325.00	4/28/93
Tarrant County Dem Party	5/17/93	\$ 3,000.00	5/14/93
Tarrant County Dem Party	5/17/93	\$ 3,000.00	
Tarrant County Dem Party	5/21/93	\$ 10,500.00	5/21/93
Tarrant County Dem Party	5/26/93	\$ 3,000.00	5/26/93
Tarrant County Dem Party	6/2/93	\$ 3,000.00	6/2/93
Tarrant County Dem Party	9/15/94	\$ 330.00	9/15/94
Tarrant County Dem Party		\$ 20,000.00	9/20/94
Tarrant County Dem Party	9/22/94	\$ 1,100.00	9/22/94
Tarrant County Dem Party	10/25/94	\$ 5,000.00	
Tarrant County Dem Party	11/5/94	\$ 1,000.00	11/5/94
Tarrant County Dem Party	11/7/94	\$ 400.00	11/7/94
Tarrant County Dem Party	11/11/94	\$ 1,520.00	11/11/94
Tarrant County Dem Party	6/13/96	\$ 3,400.00	
Tarrant County Dem Party	10/11/96	\$ 15,000.00	10/11/96
Tarrant County Dem Party	10/16/96	\$ 4,341.50	10/16/96
Tarrant County Dem Party	12/2/96	\$ 5,000.00	12/2/96
Tarrant County Dem Party		\$ 20,000.00	9/20/94
Tarrant County Dem Party Total		\$ 119,701.50	
Travis County Dem Party	4/15/93	\$ 1,050.00	4/15/93
Travis County Dem Party	4/22/93	\$ 1,000.00	4/22/93
Travis County Dem Party	4/29/93	\$ 1,000.00	4/28/93
Travis County Dem Party	5/8/93	\$ 400.00	5/6/93
Travis County Dem Party	9/1/94	\$ 1,980.00	8/5/94
Travis County Dem Party	9/1/94	\$ 1,100.00	8/18/94
Travis County Dem Party	9/1/94	\$ 2,860.00	9/1/94
Travis County Dem Party	9/19/94	\$ 2,200.00	9/16/94
Travis County Dem Party	9/30/94	\$ 2,000.00	9/30/94
Travis County Dem Party	10/14/94	\$ 3,000.00	
Travis County Dem Party	5/17/95	\$ 1,180.00	5/15/95
Travis County Dem Party	8/12/96	\$ 50.00	
Travis County Dem Party	10/3/96	\$ 856.02	10/2/96
Travis County Dem Party		\$ 3,600.00	10/28/94
Travis County Dem Party Total		\$ 22,276.02	

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Federal Receipts by Democratic County Party Committees in Texas from Texas Democratic Party, 1993-1996

<u>COMMITTEE NAME</u>	<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>DATE MADE</u>
Grand Total		\$ 385,543.30	

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Federal Receipts by Texas Democratic Party from Democratic County Party Committees in Texas, 1993-1996

<u>COMMITTEE NAME</u>	<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>DATE MADE</u>
Bexar County Dem Party	8/2/96	\$ 85.00	
Bexar County Dem Party	10/7/96	\$ 5,000.00	10/5/96
Bexar County Dem Party Total		\$ 5,085.00	
Dallas County Dem Party	8/28/96	\$ 10,000.00	9/6/96
Dallas County Dem Party	10/21/96	\$ 5,000.00	10/19/96
Dallas County Dem Party		\$ 87.50	7/30/96
Dallas County Dem Party Total		\$ 15,087.50	
Galveston County Dem Party	5/3/96	\$ 500.00	
Galveston County Dem Party	10/16/96	\$ 5,000.00	10/7/96
Galveston County Dem Party	10/16/96	\$ 300.00	
Galveston County Dem Party Total		\$ 5,800.00	
Harris County Dem Party	5/12/95	\$ 20.00	
Harris County Dem Party	10/21/96	\$ 15,000.00	10/18/96
Harris County Dem Party Total		\$ 15,020.00	
Jefferson County Dem Party	5/10/96	\$ 250.00	
Jefferson County Dem Party	9/23/96	\$ 86.00	
Jefferson County Dem Party	10/24/96	\$ 692.55	
Jefferson County Dem Party Total		\$ 1,028.55	
Tarrant County Dem Party	10/26/94	\$ 5,000.00	10/25/94
Tarrant County Dem Party	8/28/96	\$ 10.00	
Tarrant County Dem Party	10/21/96	\$ 10,000.00	10/19/96
Tarrant County Dem Party	10/21/96	\$ 5,000.00	10/19/96
Tarrant County Dem Party	10/24/96	\$ 3,907.35	10/22/96
Tarrant County Dem Party	10/30/96	\$ 25,000.00	10/30/96
Tarrant County Dem Party	10/31/96	\$ 5,000.00	10/30/96
Tarrant County Dem Party Total		\$ 53,917.35	
Travis County Dem Party	4/29/96	\$ 6,000.00	4/25/96
Travis County Dem Party	7/30/96	\$ 85.00	7/24/96
Travis County Dem Party	8/28/96	\$ 425.00	9/4/96
Travis County Dem Party	9/4/96	\$ 615.00	9/4/96
Travis County Dem Party	10/3/96	\$ 3,000.00	10/2/96
Travis County Dem Party	10/25/96	\$ 5,000.00	10/25/96
Travis County Dem Party	11/1/96	\$ 2,500.00	11/1/96
Travis County Dem Party Total		\$ 17,625.00	
Grand Total		\$ 167,480.75	

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