

**PERKINS COIE LLP**

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FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

SEP 16 3 07 PM '99

September 15, 1999

**Via Facsimile and U.S. Mail**

Dominique Dillenseger, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street, NW - 6th Floor  
Washington, DC 20463

**Re: MUR 4788**

Dear Ms. Dillenseger:

We are writing on behalf of our clients Friends of Lois Capps and David Powdrell, as treasurer (the "Capps Committee"), in response the Commission's June 22, 1999 finding of reason to believe.

That finding, and the Factual and Legal Analysis supporting it, ignored the central fact that the Capps Committee did not coordinate, in any way, the California Democratic Party's ("CDP") expenditure. As a result, there is absolutely no basis for finding that the Capps Committee violated any law.

In its Factual and Legal Analysis, the General Counsel's Office parses the Capps Committee's September 24, 1998 response in an effort to suggest that perhaps it was avoiding the issue of coordination. In order to avoid any further confusion, the Capps Committee states unequivocally that it did not coordinate, in any way, the mailings at issue in this case. To emphasize this point, the Capps Committee is submitting with this letter an affidavit executed by Cathy Duvall, the campaign manager for Lois Capps' 1998 special election. In her affidavit, Ms. Duvall makes absolutely clear that, not only was there no coordination, but that she believed that the mailings at issue were not helpful to Capps' election effort.

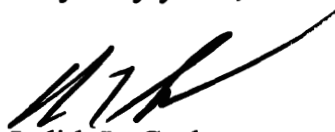
Although the Capps Committee remains confident that the CDP will prevail on the merits of its legal arguments, those arguments should not, and need not, involve the Capps Committee. Because the Capps Committee failed to coordinate, in any respect,

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with the CDP regarding the expenditures at issue, it should be dismissed from this case immediately.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JLC', written over the typed name.

Judith L. Corley  
Marc E. Elias  
Counsel to Friends of Lois Capps

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

**In Re**

**FRIENDS OF LOIS CAPPS  
and DAVID POWDRELL,  
as Treasurer**

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)  
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**MUR 4788**

**AFFIDAVIT OF CATHY DUVALL**

I, Cathy Duvall, being duly sworn, do depose and say:

1. I was the campaign manager for Friends of Lois Capps during the 1998 special election. In my capacity as campaign manager, I had primary responsibility for devising and overseeing all aspects of the Capps Committee's campaign strategy. I also had responsibility for communicating, on behalf of the campaign, with third-party groups such as the California Democratic Party.

2. I have read the Factual and Legal Analysis provided to the Capps Committee in MUR 4788. I am aware that the Factual and Legal Analysis identifies three mailings paid for by the California Democratic Party that are the center of this dispute.

3. The Capps Committee did not coordinate, in any way, with the California Democratic Party regarding these mailings. The Capps Committee was not involved in the preparation, planning, or targeting of these mailings in any way.

These mailings were not prepared or distributed at the urging, suggestion, or direction of the Capps Committee. In fact, when I learned of the mailings, it was my opinion that they were ill-advised and would not likely help Lois Capps win the election.

Further affiant sayeth not.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 14, 1999.

Cathy Duvall  
Cathy Duvall