



Democratic Senatorial Campaign Committee

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September 22, 1998

MUA 4813

Lawrence Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W., 6th Floor
Washington, D.C. 20463

Dear Mr. Noble:

This complaint asserts that Fay Boozman ("Boozman"), the Boozman for U.S. Senate Committee ("Campaign") and the Arkansas Republican Party ("Party" or "State Party") (collectively, "Respondents") violated the Federal Election Campaign Act (the "Act"), 2 U.S.C. §§ 431 et seq., and related regulations of the Federal Election Commission ("FEC" or the "Commission"), 11 C.F.R. §§ 100.1 et seq.

Mr. Boozman is a candidate for the United States Senate from Arkansas. A review of Mr. Boozman's July 1998 Mid-Year Report reveals that Mr. Boozman, his campaign, and the Party illegally conspired to evade the Party's maximum contribution limit of \$5,000 to Mr. Boozman's campaign.

The Act bars a state party and its affiliated committees from contributing more than a combined \$5,000 per election to a Senate candidate, assuming that the state party has qualified for multicandidate status. 2 U.S.C. § 441a(a)(2)(A) (1998). Commission regulations presume that "[a]ll contributions made by the political committees established, financed, maintained or controlled by a State party committee and by subordinate State party committees shall be presumed to be made by one political committee." 11 C.F.R. § 110.3(b)(3).

Accordingly, contributions made by a local party committee or auxiliary unit count against the state party's \$5,000 limit. A subordinate party committee may contribute beyond the state party's limit only if has not received funds from any

[04005-0001/AR FEC complaint.DOC]

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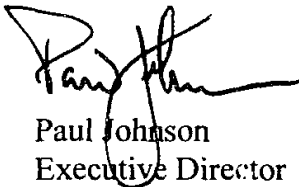
political committee established, financed, maintained, or controlled by any party unit; and also if it "does not make its contributions in cooperation, consultation or concert with, or at the request or suggestion of any other party unit or political committee established, financed, maintained or controlled by another party unit." 11 C.F.R. § 110.3(b)(3)(i)-(ii) (1998).

Boozman and his campaign flouted the \$5,000 contribution limit in June 1998. Over the course of 28 days, Boozman accepted contributions from 31 supposedly "independent" party organizations totalling \$15,935 -- \$10,935 in excess of the Party's limit. (See Attachments.)

One need look no further than the timing of the contributions to conclude that this flurry of excessive giving had been made in concert with the Arkansas Republican Party. Five of the party organizations contributed to the Boozman on the same day as the State Party. Thirteen party organizations contributed within a week of the State Party. All of the party organizations contributed to the Boozman campaign during the same 28-day period. Faced with such facts, neither the State Party nor Boozman can seriously contend that these party organizations acted independently of the State Party.

The series of violations committed by Boozman, his campaign and the Party are serious, and show a remarkable contempt for the Federal Election Campaign Act. They warrant a speedy Commission investigation, an injunction to stop future violations, and the appropriate penalties available under law. I respectfully request that the Commission immediately take action to correct these repeated and serious violations.

Sincerely,



Paul Johnson
Executive Director
Democratic Senatorial Campaign Committee
430 South Capitol Street, S.E.
Washington, DC 20003

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STATE OF _____)
County of _____)

SUBSCRIBED AND SWORN to before me this 22nd day of Sept, 1998.

Mark J. Gaudin
Notary Public

My Commission Expires:

Oct. 31, 2002