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TELEPHONE: 202 628-6600 · FACSIMILE: 202 434-1690

December 17, 1998

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

Re: MUR 4856

Dear Mr. Noble:

This letter constitutes the response of the Democratic Senatorial Campaign Committee ("DSCC") and Paul Johnson, Treasurer (collectively, "Respondents") to the complaint filed by Jeffery T. Buley. With regard to the DSCC, the complaint is without merit and should be dismissed.

The Act and Commission regulations authorize the national and state committees of a political party each to make coordinated expenditures in connection with a general election campaign for the United States Senate. 2 U.S.C. § 441a(d) (1998); 11 C.F.R. § 110.7 (1998). The authority to make coordinated expenditures may freely be delegated among national, state and subordinate party committees. 11 C.F.R. § 110.7(4). See also FEC v. DSCC, 454 U.S. 27 (1981). A state committee has the responsibility to administer its limitation by ensuring that its subordinate committees remain within the limits, or by otherwise controlling the expenditures. 11 C.F.R. § 110.7(c).

The DSCC is a political committee established and maintained by a national political party. Id. § 110.1(c)(2). It was authorized by the Democratic National Committee pursuant to Commission regulations to make \$883,863 in coordinated expenditures in connection with the 1998 New York Senate general election. See Coordinated Party Expenditure Limits for '98 Senate Nominees, FEC Record, March 1998, at 5.

On October 1, 1998, the DSCC transferred the full amount of its 441a(d) authority to the New York Democratic Party. Letter from Paul Johnson, Executive Director, DSCC, to Judith Hope, Chair, New York Democratic Party (Oct. 1, 1998)

Lawrence Noble, Esq.
December 17, 1998
Page 2

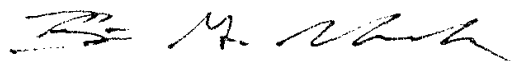
(Attachment A). The DSCC has reported no coordinated expenditures in connection with the 1998 New York Senate general election.

While Mr. Buley claims that the DSCC made \$89,280 in coordinated expenditures on paid media during the week before the election, the DSCC is unable to find any factual basis for this statement. Significantly, none of the sketchy attachments that purport to document Mr. Buley's complaint, which Mr. Buley's Republican colleagues apparently generated themselves, makes any reference whatsoever to the DSCC.

The regulations in no way require the DSCC to monitor the activities of an unrelated third party generally hostile to its interests, and to defer to them by refraining from its own programs and activities. But cf. id. § 110.7(c) (state party has responsibility to monitor compliance with limits within party organization). The nonexistent rule on which Mr. Buley apparently insists would not only be wholly unworkable, but would effectively permit a minor party to dictate the activities of a major competitor.

In short, as it pertains to the DSCC, Mr. Buley's complaint is without factual and legal merit, and should be dismissed.

Very truly yours,



Judith L. Corley
Brian G. Svoboda
Counsel for Respondents

Attachment



J. Robert Bruce, III
 Chairman

Robert B. Rivkin, III
 Vice Chairman

Patricia Clark

Regency Trust
John D. Rockefeller IV, WV

Blas Canino, NY

Yara Herkin, IL

Leadership Circle

Charles S. Bobb, VA

Norm Conrad, ID

Board of Directors

Richard M. Ryan, NY

Jack Reed, RI

Labor Council

Edward M. Kennedy, MA

Paul Wellstone, MN

Women's Council

Dianne Feinstein, CA

Mary Landrau, LA

Political Action

Joseph I. Lieberman, CT

Richard J. Durbin, IL

October 1, 1998

Judith Hope, Chair
 New York Democratic Party
 60 Madison Avenue, Suite 1201
 New York, NY 10010

Dear Judith,

The Democratic Senatorial Campaign Committee (DSCC) hereby sends \$883,863 in 2 U.S.C. 441 (a)(d) authority to the New York Democratic Party for the exclusive purpose of making expenditures on behalf of the New York Democratic nominee for U.S. Senate for the 1998 election cycle.

By signing this letter, the DSCC hereby makes such designation and the New York Democratic Party hereby accepts such agency.

In exercising its authority pursuant to this Agreement, the New York Democratic Party will comply with the above-mentioned limitations and other requirements of the Federal Election Campaign Act of 1971, as amended, and other regulations promulgated thereunder.

Sincerely,

Paul Johnson
 Executive Director

Agreed to by the NEW YORK DEMOCRATIC PARTY

BY:

TITLE:

DATE:

Judith Hope
State Chair
10/5/98

cc: Robert F. Bauer

STATEMENT OF DESIGNATION OF COUNSEL

MUR 4856

NAME OF COUNSEL: Judith L. Corley

FIRM: Perkins Cole LLP

ADDRESS: 607 14th Street, NW, Suite 800

Washington, DC 20005-2011

TELEPHONE: (202) 434-1622

FAX: (202) 434-1690

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/10/98
Date

Paul Johnson
Paul Johnson Signature

RESPONDENT'S NAME: Democratic Senatorial Campaign Committee

ADDRESS: 430 South Capitol Street, SE

Washington, DC 20003

TELEPHONE: HOME()

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