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2004 DEC 23 A 10:11

December 16, 2004

VIA FACSIMILE and FIRST CLASS MAIL

Mr. Jeff S. Jordan
Federal Election Commission
Office of the General Counsel
999 E Street, NW
Washington, DC 20463

RE: MUR 5612 – Democratic National Committee, Respondent

Dear Mr. Jordan:

This letter is in response to your correspondence regarding the Complaint filed in the above-referenced MUR. The allegations against the DNC Services Corporation/Democratic National Committee (DNC) contained in the Complaint are without merit and no action should be taken against the DNC or Treasurer Andrew Tobias.

The Complaint was filed by Stefan Gleason of the National Right to Work Legal Defense and Education Foundation against the Service Employees International Union (SEIU). Paragraph six of the Complaint cites an art show review from the Cincinnati CityBeat newspaper describing an exhibit at a Cincinnati gallery where certain artistic prints commissioned by America Coming Together (ACT) were given as gifts to those who made a \$1,000 donation to "support the federal Democratic ticket." See, Andrew Loughnane, Solway Gallery Show Seeks to Inspire Voters, CINCINNATI CITYBEAT, Oct. 13, 2004 (attached as Exhibit C to the Complaint); Complaint ¶6. The Complaint alleges that this print give-away resulted in illegal union contributions to the DNC in violation of 2 U.S.C. § 441b(a) because ACT allegedly received donations from the SEIU during the 2004 election cycle. Complaint ¶7; ¶12.

The Complaint's allegations against the DNC are entirely unfounded and do not set forth any facts that could establish any violation by the DNC of the Federal Election Campaign Act of 1971 as amended (the "Act") or the Commission's regulations. The Complainant apparently confuses support of Democratic candidates and causes generally with support of the Democratic National Committee, the national party committee of the

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Democratic Party. The assumption that "support of the federal Democratic ticket" equals a donation to the DNC is not only incorrect, but is wholly unsupported by the source the Complaint cites. The cited review clearly states that the donations were "collected" by ACT and made "to ACT," not to the DNC. In fact, the review makes no mention of the DNC at all. *See*, Complaint Attachment C. The assumption that a donation to support "the federal Democratic ticket" is a donation to the DNC appears to be based on nothing more than mere speculation and conjecture. *See*, MUR 4960 (setting forth standard for dismissal of complaints and stating that "mere speculation . . . will not be accepted as true"). Furthermore, we have checked our records and have confirmed that the DNC has never, as of the date of this letter, received any contributions from ACT.

For the reasons stated above, the allegations against the DNC are without merit, the Complaint should be dismissed and no action should be taken against the DNC or Andrew Tobias as Treasurer. Please do not hesitate to contact me at 479-5153 or laforgea@dnc.org with any questions or if you need any additional information. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. La Forge', with a long horizontal line extending to the right.

Amanda S. La Forge
Counsel

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