

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SENATOR MITCH McCONNELL,
et al.,

Plaintiffs,

v.

FEDERAL ELECTION COMMISSION,
et al.,

Defendants.

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)
)
) Civil Action No.
) 02-0582 (CKK, KLH, R/L)
)
) Consolidated Actions
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) DECLARATION
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DECLARATION OF LEON G. BILLINGS

1. My name is Leon G. Billings.
2. I provided a declaration in *Federal Election Commission v. Colorado Republican Federal Campaign Committee*, Civil Action No. 89 N 1159, in the United States District Court for the District of Colorado. The statements I made in that declaration are reproduced in Exhibit A.
3. I reaffirm that the statements I made in the prior declaration are true and correct.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.


Leon G. Billings

Executed on this 3rd day of October, 2002

EXHIBIT A

1. My name is Leon G. Billings. From March 1982 until mid-1983 I was the Executive Director of the Democratic Senatorial Campaign Committee (DSCC). Sen. Wendell Ford was the Chairman of the DSCC at that time, and Sen. Alan Cranston chaired the Senate Democratic Leadership Circle (DLC), which was the major fundraising arm of the DSCC.

2. The DLC was created after the Democrats lost the Senate in 1980. Sen. Cranston controlled the fundraising for the DLC, and he had a separate staff person running that operation. However, the DLC did not determine how the money was spent. That was left to the DSCC.

3. The DSCC had a three-Member Executive Committee comprised of Sen. Ford, Sen. Cranston, and Sen. Bill Bradley. They basically made the decisions as to how to distribute the money, although there was also a larger committee that met occasionally to provide direction.

4. The DLC Leadership Circle bank account was a separate account. Funds would be transferred from that account to the DSCC account, which then made the funds available for the candidates.

5. To the best of my recollection, in 1982, the DSCC had \$1.2 million to distribute. That seems like a paltry sum today, but there were a number of small, competitive races where the DSCC was able to make the maximum coordinated expenditure permitted under 2 U.S.C. § 441a(d). I think this was around \$67,000. We were not able to spend the maximum amount in California, for example, where the limit was \$500,000. We tended to focus our resources on Senators in tighter races, but another decisive factor was the extent to which incumbents helped raise money for the DSCC.

6. Sen. Cranston was far and away the best fundraiser the Democrats had. He had absolutely no reservations about asking for money. Sen. Cranston also enlisted the assistance of other key incumbent Senators who were in a position to raise money. By and large he focused on Senators running for reelection in that cycle. Other Senators had different styles, and used different approaches to fundraising.

~~7. My understanding was that Sens. Kennedy, Jackson, and Metzenbaum all had~~
unwritten commitments from the DSCC that they would get back as much as they raised as a way to encourage Senators to raise money for the party.

8. Senators solicited a coterie of rich Democrats who traditionally have provided much of the Party's support. The DLC membership was \$15,000, so one hundred DLC members would contribute \$1.5 million. Sen. Cranston's goal was to have two DLC members in every State, and he came very close to that goal. He kept a list of contributors and would keep after Senators who had not yet recruited two members from their states.

9. The DLC sponsored elaborate events and forums where DLC members could socialize with other contributors and party leaders. Even though \$15,000 does not seem like much today, this was enough to gain admission to these exclusive events in 1982.

10. The Senators who solicited the money for the DSCC could not promise that the money would be used directly in support of their own or another particular campaign, because earmarking contributions was prohibited. However, that did not mean that Senators who raised money could not be assured that they would get a significant return from their efforts. There appeared to be an understanding between the DSCC and the Senators that the amount of money they received from the DSCC was related to how much they raised for the Committee.

11. The DSCC also raised money on its own behalf. Sen. Ford and I took whirlwind trips to relatively small fundraising events, in the \$15,000-\$25,000 range. We also hosted events at the Democratic Party's mid-term Convention; and the DSCC started a direct mail campaign during my time as Executive Director.

12. People often contribute to party committees because they have given the maximum amount to a candidate, and want to help the candidate indirectly by contributing to the party. The DSCC was able to provide substantial indirect support to Senatorial campaigns. For example, we did polling, and made the results available to the campaigns. We also made in kind contributions under the § 441a(d) limits. The DSCC made the decision as to how much a particular campaign was going to get, but the individual campaigns decided how it would be used.

~~13. In my view, contributions help contributors gain access, have their phone calls taken.~~

And access can influence action, since the totality of the information a Member has is significantly prejudiced by the people who have access. A Member can feel guilty about taking money from those whose positions they rarely support.

14. I never called a Senator's office on behalf of a contributor's position. However, I once had a contributor ask me to set up an appointment with a Senator. I did pave the way by calling the Senator's Administrative Assistant to say, if it was convenient, this person would be calling for an appointment. When the contributor called again with the same request, I turned him down.

15. There has to be some way of controlling distribution of the time available to talk to people, and priorities are more likely to be given both to calls where a Senator is soliciting money, or is talking to those who have contributed. That is what is wrong with the system today: the amount of time Senators spend talking to people they want to contribute, and talking to people who have already contributed, seeking additional contributions.

16. The DSCC and the state party committees have separate coordinated expenditure limits under § 441a(d). My recollection is that we sent a letter to each state party committee saying we planned to spend their share, and they should notify us if that was not acceptable. I think one state party resisted until it became clear to them that if they did not authorize the DSCC to spend their share, the state party would have to raise and spend this amount. Once the state party understood this, they agreed to let the DSCC spend the state share. I believe we had the Democratic National Committee (DNC) transfer their § 441a(d) authority to us, as well.

17. I started a candidate retreat, at which campaign strategists, pollsters, media experts and election analysts provided a two-day intensive course on fundraising, campaigning, selecting consultants and so forth. We had lists of Democratic political consultants and pollsters they might consider, and we also warned campaigns not to hire those who played both sides of the aisle.

18. While we welcomed calls from all our candidates, we spent nearly all our time working with non-incumbents. Incumbents rarely sought our advice, and often rejected it when ~~we offered~~

~~19. Taking away the limits on coordinated expenditures would result in a fundamental~~
transfer of power to certain individual Senators. In that situation, it would behoove the leadership to raise and control as much money as possible.

20. As I understand it, the national campaign committees now send competent, qualified campaign coordinators into the various States to help candidates, particularly non-incumbents. If the limits on coordinated expenditures are removed, a party committee would be able tell a candidate, "We are going to give you \$2 million or \$4 million for your Senate race. We are also going to tell you who is going to staff your Senate race. We are going to tell you what to say and what to do. We are going to take control." This would have enormous political and policy implications.

21. Most Senators and Senate candidates have a political philosophy that is unlikely to change dramatically. However, their views on some issues may not be as well established, so this is where money can have a major impact. Contacts from contributors can determine whether a Senator takes an active role on a particular issue, or declines to take an active role.

22. This was readily apparent to me in my work in the 1970s, when I worked with Sen. Edmund Muskie on environmental legislation. When working with 400 or 2,000 page bills, it was commonplace for Members to try to make what seem to be minor changes that in fact benefit their natural constituency enormously.

23. To the extent that this is corruption, it has always been part of our process. Daniel Webster used to sell votes. This is not going to change. What is going to change, if you have unlimited party expenditures, is that party leaders will be able to say who gets nominated and who gets elected. While I am not sure that the party leaders who control this process would be more beholden to their contributors than is now the case, their power to make things happen would increase.

24. The argument I have always made in favor of Political Action Committees is that you diversify the corruption. Is it better to have a Senator responding to 400 different political action committees with diverse political interests? Or to have one party committee responding only to the party leadership? It scares me to think that you can go out and find a lackey and tell that ~~lackey you are going to give him or her \$4 million, which he or she will use to defeat a much~~

~~better candidate who is still running an old fashioned campaign, and will not accept a \$4 million~~
contribution. This would be a very different political environment, with less representation of
constituents than is now the case.

25. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is
true and correct.