

# **Exhibit 1**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC SENATORIAL  
CAMPAIGN COMMITTEE,

Plaintiff,

v.

NATIONAL REPUBLICAN  
SENATORIAL COMMITTEE,

Defendant.

Civil Action No. 97-1493 (JHG)

FILED

AUG 27 1997

NANCY MAYER-WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**ORDER**

Upon consideration of Defendant's Motion for Stay of Proceedings or for Alternative Relief ("Motion for Stay"), Plaintiff's Response, Defendant's Reply, the Federal Election Commission's ("FEC") *amicus* brief, and the entire record in both this matter and in *Democratic Senatorial Campaign Committee v. Federal Election Commission*, Civ. A. No. 95-0349 (JHG) (*DSCC I*) and Civ. A. No. 96-2184 (JHG) (*DSCC II*), the Motion for Stay will be granted.

Following the Court's denial of the FEC's motion for a stay of the Court's May 30th Order in *DSCC II* pending appeal of the fee award in *DSCC I* and the merits of *DSCC II*, Defendant Republican National Senatorial Committee ("NRSC") filed the instant motion to stay this suit, Civ. A. No. 97-1493, pending resolution of the FEC's appeals. Alternatively, the NRSC requests that the Court grant it access to the documents

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filed under seal in *DSCC I* and *DSCC II*. While opposing the Motion to Stay, Plaintiff Democratic Senatorial Campaign Committee (“DSCC”) does not oppose the alternative relief sought by NRSC. The FEC does, however, oppose providing the NRSC with such access, and, pursuant to this Court’s invitation filed a brief on August 15, 1997.

In considering a motion to stay, the Court considers four factors: (1) whether the petitioner has made a strong showing that it is likely to prevail on the merits; (2) whether the petitioner has demonstrated the potential for irreparable harm absent such relief; (3) whether the issuance of a stay would substantially harm other parties interested in the proceedings; and (4) how, if at all, the public interest would be affected by granting or denying the stay. *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 842-43 (D.C. Cir. 1977). The degree of the possibility of success that must be shown varies, of course, with the assessment of the other factors. *Id.* at 843.

Upon consideration of the parties’ arguments and the entire record in this matter (including the records in *DSCC I* and *II*), the Court is persuaded that grounds exist to justify a stay. While neither the petitioner nor the FEC have demonstrated that it is likely that the FEC will prevail on the merits of its appeal, the Court is persuaded that the unique combination of forcing the NRSC to fight a two-front war and the FEC’s concerns regarding the disclosure of sealed material (disclosure which would be necessary were this matter to go forward) justify a stay. Both factors together demonstrate a level of irreparable harm that is sufficient to outweigh the other factors, including the strong public interest in the prompt and effective enforcement of the Federal election laws. The

Motion for Stay will therefore be granted.

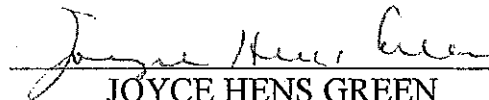
Nonetheless, the Court remains steadfast in the view that “[w]hile this matter  
pend, DSCC is disadvantaged and the credibility of our electoral system is undermined.”  
*DSCC I* at 18. The Court strongly urges the parties in *DSCC II* to seek expedited review  
in the Court of Appeals so that this matter may be resolved as soon as possible. The  
substantial public interest in the prompt and effective enforcement of the Federal election  
laws deserves more than lip service.

Accordingly, for the reasons stated above, it is hereby

**ORDERED** that the NRSC’s Motion for Stay is **GRANTED**. This matter is  
stayed pending final appellate resolution of *DSCC II*.<sup>1</sup>

IT IS SO ORDERED.

August 27, 1997.

  
JOYCE HENS GREEN  
United States District Judge

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<sup>1</sup> Since the appeal in Civ. A. No. 95-0349 involved attorneys’ fees, its disposition is not material to the stay.