13 OCT 1976

Mr. William B. Hardie
Treasurer
Richard C. White Congressional Club
P.O. Box 165
El Paso, TX 79942

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

Re: MUR 133 (76)

7704071503

Dear Mr. Hardie:

This is in further reference to the above-numbered complaint against your Committee, alleging violations of the Federal Election Campaign Act, as amended.

Having examined the complaint, your response thereto, and its records, the Commission has determined that there is no reason to believe that your Committee knowingly accepted contributions in violation of §441a of the Act. The Commission particularly notes that the contributions here in question were made prior to May 11, 1976, the effective date of the 1976 amendments to the Federal Election Campaign Act. Accordingly, the Commission has decided to close its file in this matter with respect to your Committee.

Should there be a later determination, however, that certain of your contributors were affiliated at the time they collectively gave your campaign more than $5,000, the Commission will be back in contact with you to discuss repayment arrangements.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

KAnderson:pgg:10/13/76
cc: Chron file, MUR file, KA

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 133 (76)
Congressman Richard C. White	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 12, 1976, the Commission determined by a vote of 6 - 0, that there was no reason to believe any violations of the Federal Election Campaign Act of 1971, as amended, had been committed with respect to Recommendation #1 in the General Counsel's Report.

Marjorie W. Emmons

Marjorie W. Emmons
Commission Secretary

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 133 (76)
Congressman Richard C. White	)	
	)	

GENERAL COUNSEL'S REPORT

I. Summary of Allegations

This MUR was initiated through a notarized complaint received by the Commission on April 30, 1976.

The complaint alleges that the Richard C. White Congressional Club's receipt of a $5,000 contribution from Texas Medical Political Action Committee (TEXPAC), and another $5,000 contribution from American Medical Political Action Committee (AMPAC) violated 18 U.S.C. §608(b)(2) [as amended, 2 U.S.C. §441a(a)(2)(A)], presumably on the assumption that the TEXPAC and AMPAC contributions are under common control or direction and, therefore, those contributions must be aggregated and are subject to a single $5,000 contribution limit.

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II. Evidence

A preliminary review of reports on file with the Commission of the Richard C. White Congressional Club, TEXPAC and AMPAC indicates the following: (1) that the contributions in question

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were made between January 30, and May 11, 1976; (2) that TEXPAC is affiliated with the Texas Medical Association and AMPAC is affiliated with the American Medical Assoication; and (3) that substantial transfers of funds from TEXPAC to AMPAC have occurred.

The response received from the Richard C. White Congressional Club in effect contends that the committee received two separate and distinct $5,000 contributions. It states summarily that "any assumption that TEXPAC and the American Medical Political Action Committee are under the same control or direction would be entirely erroneous."

In their responses, TEXPAC and AMPAC acknowledged the contributions and stated that they were duly reported to the Commission. However, neither of the PAC's addressed the allegation that they are under common control or direction and are, therefore, subject to a single $5,000 contribution limit.

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III. Analysis

It appears that the White Congressional Club received the monies from TEXPAC and AMPAC in good faith reliance on the separateness of the two groups. Therefore, there is no reason to believe that a violation of the Act has been committed.

However, in light of the substantial transfer of funds from TEXPAC to AMPAC, there does seem to be reason to believe these two committees, by filing separate reports listing no affiliation, have committed violations of 2 U.S.C. §433(b)(4)

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and §441a(a).

IV. Recommendation

(1) With regard to the specific allegations involving Congressman White we recommend that the Commission, on the basis of the evidence presently available, find no reason to believe and send the attached letter to Congressman White.

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John G. Murphy, Jr.
JOHN G. MURPHY, JR.
GENERAL COUNSEL

DATE: October 8, 1976

MUR 133

April 27, 1976

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Federal Election Commission
The Office of the General Council
Washington, D.C.

Dear Sir:

I Jack Gregory(D) Canidate for the 16th. Congressional District, wish to file the following complaint.

I believe the $10,000.00 contribution given to the incumbent Richard White(D) Congressman of the 16th. Congressional District, running for re-Election, given by the local Physicans of El Paso,Tx. showing $5,000.00, donated by Texas State Medical Assn., and $5,000.00 donated by the local Physicans; this contribution was given this way I believe in order(they thought) to make it legal. I feel the check should be examined.

I am attaching newspaper articles, which will outline this whole mess.

It is my feeling that the local Physicans and Richard White are in violation of the Federal Election Code, and I hope this will be investigated, this sort of thing we want to dispose of.

Anyone giving $10,000.00 certainly would expect a commitment.

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OFFICE OF GENERAL COUNSEL

Sincerely,

Jack Gregory
Canidate
U.S. Representative
16th. Congressional
District.

JG/I

STATE OF TEXAS
COUNTY OF EL PASO

SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF APRIL, 1976.

Notary Public, El Paso County, Texas

My commission expires 6/1/77

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FEDERAL ELECTION COMMISSION

Due to classified and sensitive documents relating to a pending compliance matter, all relative documents to this MUR have been removed. A final disposition of this matter will officially close all aspects of this MUR.
MUR 133 will remain in the open compliance file.

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

X	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
____	(5) Internal Documents		

Signed Kurt Bulchant

date 9/28/77

FEC 9-21-77

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