FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1844

Date Filmed 2/1/85 Camera No. --- 1

Cameraman AS

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MUR 1844.

FEDERAL ELECTION COMMISSION

ENFORCEMENT ROUTING SLIPS (5)

12 Day Report and Comment Sheets

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):

____	(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 Eric H. Leinfeld

date 1/22/88

FEC 9-21-77

8504051273

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

The following duplicate documents were removed from this file:

Complaint

Closing letters

8 5 0 4 0 5 1 2 1 7 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1844
American Medical Association	)	
Political Action Committee	)	
Peter B. Lauer, as treasurer	)	
Bateman for Congress Committee	)	
Gordon L. Gentry, Jr., as	)	
treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 2, 1985, the Commission decided by a vote of 5-0 to take the following actions in MUR 1844:

1. Find no reason to believe that the American Medical Association Political Action Committee and Peter B. Lauer, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Bateman for Congress Committee.

2. Find no reason to believe that the Bateman for Congress Committee and Gordon L. Gentry, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the American Medical Association Political Action Committee.

3. Approve the letters to be sent to the American Medical Association Political Action Committee, the Bateman for Congress Committee, and John J. McGlennon, as submitted with the First General Counsel's Report signed December 21, 1984.

(Continued)

3 5 0 4 0 5 1 2 1 7 5

4. Close the file.

Commissioners Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter; Commissioner Aikens did not cast a vote.

Attest:

1-2-85
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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Received in Office of Commission Secretary: 12-24-84, 9:18
Circulated on 48 hour tally basis: 12-24-84, 11:00

EK

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 4, 1985

John J. McGlennon
607 Grove Avenue
Williamsburg, Virginia 23185

Re: MUR 1844

Dear Mr. McGlennon:

The Federal Election Commission has reviewed the allegations of your complaint dated November 1, 1982, and determined that on the basis of the information provided in your complaint and information provided by the Respondent there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

8504051217 7

EK

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 3, 1985

Mr. Gordon L. Gentry, Jr.
Bateman for Congress Committee
P.O. Box 1668
Grafton Branch
Yorktown, Virginia 23692

RE: MUR 1844
Bateman for Congress Committee

Dear Mr. Gentry:

On November 13, 1984, the Commission notified the Bateman for Congress Committee and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on January 2 , 1985, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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EK

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 4, 1985

Mr. Leslie J. Miller
American Medical Association
535 North Dearborn Street
Chicago, Illinois 60610

RE: MUR 1844
American Medical Association
Political Action Committee

Dear Mr. Miller:

On November 13, 1984, the Commission notified the American Medical Association Political Action Committee and Peter B. Lauer, as Treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on January 2 , 1985, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: December 24, 1984

SUBJECT: MUR 1844 - First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[x]	Compliance	[x]
Sensitive	[x]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

84 DEC 24 A9:18

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 12/24/84
9:15

MUR 1844
DATE COMPLAINT RECEIVED
BY OGC November 5, 1984
DATE OF NOTIFICATION TO
RESPONDENT November 13, 1984
STAFF MEMBER ERIC KLEINFELD

COMPLAINANT'S NAME: John J. McGlennon

RESPONDENTS' NAMES: American Medical Association Political Action Committee
Peter B. Lauer, as Treasurer
Bateman for Congress Committee
Gordon L. Gentry, Jr., as Treasurer

RELEVANT STATUTES: 2 U.S.C. § 431(17)
2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
11 C.F.R. § 109.1

INTERNAL REPORTS CHECKED: Committee Reports

8504051281

SUMMARY OF ALLEGATIONS

On November 5, 1984, the Office of General Counsel received a complaint from John J. McGlennon, candidate for the United States House of Representatives (Va. 01) alleging that Respondent, American Medical Association Political Action Committee ("AMPAC"), made an excessive contribution to the Bateman for Congress Committee, ("Bateman Committee"), in violation of 2 U.S.C. § 441a(a)(2)(A).

FACTUAL AND LEGAL ANALYSIS

According to the complaint, Respondent Bateman Committee, in early October 1984, sent a solicitation letter to various political action committees. Toward the end of October 1984, after the sending of the solicitation letter, Respondent AMPAC

sponsored televison commercials that promoted the Bateman candidacy. Complainant alleges that these AMPAC-sponsored advertisements "purport to reflect Congressman Bateman's campaign views."

Committee Reports filed with the Federal Election Commission ("Commission") establish that AMPAC made direct contributions to Congressman Bateman's re-election campaign of $5,000 for the primary and $4,000 for the general election, and an affiliated committee, Virginia Medical Political Action Committee, contributed $1,000 for the general election. According to the complaint, the expenditures made by AMPAC for these television advertisements were not independent of the Bateman campaign, but rather, were made as a result of the Bateman solicitation letter and thus, at the request of, and in cooperation with the Bateman Committee.

Responses were received from both AMPAC and the Bateman Committee on December 3, 1984. According to AMPAC's letter, the television commercials in question were produced by a California company and completed in August 1984, prior to the sending of the Bateman solicitation letter. AMPAC states that it has no knowledge regarding this solicitation letter. AMPAC further states that:

> "AMPAC is certain that no contact has occurred between it and Congressman Bateman or his authorized committees or agents which would in any way compromise the independence of the expenditures for the television commercials."

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In its response to the Commission, the Bateman Committee asserts that the letter in question was not even sent to AMPAC, since prior to October 1, 1984, AMPAC had made the maximum permissible contribution to the Bateman re-election campaign. Gordon L. Gentry, Jr., Treasurer of the Bateman Committee, denies any similarities between the Bateman campaign advertising and that of AMPAC and further states,

> "there was no information provided AMPAC by the [Bateman] campaign regarding any plans, projects or needs of the campaign."

The Act defines an independent expenditure as:

> an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in connection with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. 2 U.S.C. § 431(17).

The Act does not limit the dollar amount of an independent expenditure as it does contributions. See 2 U.S.C. § 441a. Commission regulations give further definition of cooperation, consent, consultation, or request by providing that it means:

> Any arrangement, coordination, or direction by the candidate or his or her agent prior to the publication, distribution, display, or broadcast of the communication. An expenditure will be presumed to be so made when it is--
>
> (A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate, or by the candidate's agents, with a view toward having an expenditure made;

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11 C.F.R. § 109.1(b)(4)(A). The regulations also provide, however, that an "expenditure not qualifying under this section as an independent expenditure shall be a contribution in-kind to the candidate and an expenditure by the candidate, unless otherwise exempted." 11 C.F.R. § 109.1(c).

Complainant bases his contention that AMPAC's expenditures for the television advertisements were not independent of the Bateman campaign, but were, instead, made in consultation with or at the request of the Bateman campaign, on two factors. First, the ads are alleged to be similar. Complainant failed to provide any evidence at all as to the nature of the similarities. Respondent AMAPC indicates that its advertisements were produced in California by a company that had no communication with the Bateman campaign. Respondent Bateman Committee states it belief that the ads are, in fact, not similar.

Second, the solicitation letter in question is alleged to have prompted these advertisements. Complainant makes no allegation that AMPAC ever received this particular letter. The Bateman Committee states that this letter was never sent to AMPAC.

Complainant fails to provide any evidence of any arrangement, coordination or direction of the Bateman Committee concerning the AMPAC-sponsored television advertisements. Based on the foregoing analysis, the General Counsel recommends that the Commission find no reason to believe that AMPAC violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Bateman Committee. The General Counsel further recomends that

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the Commission find no reason to believe that the Bateman Committee violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from AMPAC.

RECOMMENDATIONS

1. Find no reason to believe that the American Medical Association Political Action Committee and Peter B. Lauer, as Treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Bateman for Congress Committee.

2. Find no reason to believe that the Bateman for Congress Committee and Gordon L. Gentry, as Treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the American Medical Association Political Action Committee.

3. Approve the attached letters to be sent to the American Medical Association Political Action Committee, the Bateman for Congress Committee, and John J. McGlennon.

4. Close the file.

Charles N. Steele
General Counsel

Dec. 21, 1984
Date

By: Kenneth A. Gross
Associate General Counsel

Attachments
1. Complaint of John J. McGlennon
2. Responses of AMPAC and the Bateman Committee
3. Committee Reports
4. Proposed Letters

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ATTACHMENT I

(1) GCC#5481

84 NOV 5 A8:02

McGlennon
CONGRESS '84

MUR 1844

84 NOV 5 A11:03

November 1, 1984

General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Sir:

I request that you commence an investigation, pursuant to your statutory and regulatory, of certain campaign expenditures made by the American Medical Association's ("AMA") political action committee to promote the candidacy of Herbert Bateman for the U.S. House of Representatives from Virginia's First Congressional District.

On my personal knowledge, I state the following:

1. My name is John J. McGlennon and I reside at 607 Grove Avenue, Williamsburg, Virginia 23185.

2. I am the 1984 nominee of the Democratic Party for the U.S. House of Representatives from the First Congressional District of Virginia.

3. My opponent in the current campaign is the incumbent Congressman Herbert H. Bateman.

4. On or about October 1, 1984 Bateman for Congress Committee transmitted letters to many political action committees soliciting contributions. A sample of those solicitation letters accompanies this request.

5. On October 30, television commercials were aired on stations broadcasting to the First Congressional District which were sponsored by the AMA's political action committee and which promote Mr. Bateman's candidacy.

6. Reports filed with the Federal Election Commission by Mr. Bateman's campaign show that the AMA's political action committee made contributions to his primary campaign of $5,000 and to his general election campaign of $4,000.

84 NOV 6 P1:55

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Post Office Box 1492
Williamsburg, Virginia 23187
(804) 877-7225

12254 Warwick Boulevard
Newport News, Virginia 23606
(804) 596-5151

7. The AMA sponsored advertisements that purport to reflect Congressman Bateman's campaign views.

On information and belief, I state the following:

1. In light of the direct contributions by the AMA to the Bateman campaign, the AMA sponsored advertisements appear to be made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of the Bateman campaign.

2. In light of the prior solicitation of contributions to the Bateman campaign, the prior AMA direct contributions to the Bateman campaign and the similarity between the Bateman and AMA sponsored advertising, the AMA sponsored advertisements appear to be based on information about Mr. Bateman's plans, projects or needs provided to the AMA by the Bateman campaign.

I believe that the suspicious nature and surrounding circumstances of the alleged "independent expenditures" by the AMA's political action committees create a reason to believe that a violation of federal campaign financing laws or regulations may have occurred and presents a matter which merits investigation and review by the Federal Election Commission.

Sincerely yours,

John J. McGlennon

John J. McGlennon

Signed and sworn to before me this 1st day of November, 1984.

Notary Public

My Commission Expires Jan. 11, 1985

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BATEMAN FOR CONGRESS
P.O. BOX 1668
GRAFTON BRANCH
YORKTOWN, VA 23692
01-OCT-84 1756 2268 00464
01-OCT-84 2012 M639 WAS NW

(3)

Dear

I am in the middle of the toughest re-election campaign I have ever had to face in my 16 years of elective office. I need your help. Without strong financial support from the business community, including support from your PAC, I very well may not survive to serve another term in Congress.

Although contributions are coming in from many individuals in my district, business PAC support has not been as strong. I may be somewhat at fault for not letting you know sooner how serious my situation is. That is why I am sending you this emergency appeal

During my first term in the House of Representatives, I have supported policies which have led to a strong, growing economy. I have worked to bring federal spending under control and to block efforts by those who would return us to double-digit inflation and sky-high interest rates by scrapping President Reagan's economic and tax initiatives.

The following are some of my group ratings from the 98th Congress.

U. S. Chamber of Commerce	100
National Association of Manufacturers	100
American Security Council	100
BIPAC	97
Americans for Constitutional Action	89
CG/'83 Presidential Support	87
Americans for Democratic Action	0
COPE	0
NEA	0

My opponent, the former Democratic Chairman of the First Congressional District, is a liberal college professor who opposes President Reagan's tax and spending reforms. He is an ardent environmentalist who is unwilling to balance those concerns with the need for economic development and energy self-sufficiency. His solution for federal deficits is to increase social welfare spending while drastically cutting back on defense spending.

The largest daily newspaper in my district, The Daily Press, offered the following description of my 1984 race in a September 5 editorial:

"John McGlennon, the First District Democratic candidate for Congress, has been on the trail of incumbent Republican Congressman Herbert Bateman for nearly two years. After McGlennon, an associate professor of government at the college of William and Mary, lost to Mr. Bateman in their 1982 encounter, he instantly promised a return engagement. It has paid off. Rep. Bateman, a respected Peninsula politial figure for nearly 20 years, is in a race most describe as a toss-up"

"Until Paul Trible (was elected in 1976)..... the First District was solidly Democratic. His success in the District changed the perception that it is a Democratic district but--absent Paul Trible--Mr. McGlennon hopes it has not changed the leanings of the district's population. All in all, as the Bateman-McGlennon race is renewed, don't look for a replay (of 1982). This is a contest".

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My campaign is one of the top three targeted races on the National Democratic Party's "hit list". Every major liberal and Labor organization in the country is pouring money into the First District because they smell blood. With almost eight weeks still to go, my opponent has already raised substantially more money in 1984 than he did for his entire 1982 campaign.

The campaign staff has already cut back spending in several areas and, unless we get help from you and other business PACs immediately, we will have to cut back even more. Unless I can come close to matching my opponent's spending in the next eight weeks, it will be very difficult for me to win on November 6. I must raise almost $100,000 in the next 43 days just to pay for television and radio advertising.

I am requesting a generous contribution from your PAC and would appreciate any assistance you could give my request

I will remember your generosity and assure you that it will be put to good use

Sincerely,

Herbert H Bateman
Member of Congress

P S I need your help today if I am going to win the toughest re-election campaign I have ever faced. Please send a check from your PAC to the Bateman for Congress Committee, (Gordon L Gentry Jr Treasurer), P O Box 1668 Grafton Branch, Yorktown, VA 23692

Congressman Bateman

My PAC would like to know more about your 1984 re-election campaign. Please send additional information on your race to

Name of Organization

Name of Contact

Address

City State Zip

Telephone (

8 5 0 4 0 5 1 2 1 8 9

ATTACHMENT IV (5)

GCC5856

84 DEC 3 P2:27

AMERICAN MEDICAL ASSOCIATION

535 NORTH DEARBORN STREET • CHICAGO, ILLINOIS 60610 • PHONE (312) 645-5000 • TWX 910-221-0300

CORPORATE LAW DIVISION

LESLIE J. MILLER
Staff Attorney
645-4608

November 28, 1984

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTENTION: Mr. Charles N. Steele
General Counsel

Re: MUR 1844

Dear Mr. Steele:

I am writing to you as counsel to the American Medical Association Political Action Committee ("AMPAC") in response to your letter of November 13, 1984 to Mr. Peter B. Lauer, the Treasurer of AMPAC, regarding the above-referenced MUR.

AMPAC believes that the Commission should take no action against it in connection with this matter, for three reasons. First, the television commercial aired on behalf of Congressman Bateman by AMPAC clearly meet the requirements for independent expenditures set forth in Section 301(17) of the Federal Election Campaign Act ("FECA"), 2 U.S.C. Section 431(18), and the Commission's regulations thereunder. Second, the allegations of complaint, even if true, would not establish a violation of FECA. Third, the complaint does not meet the requirements of Section 111.4 of the Commission's regulations.

1. In order to qualify as an independent expenditure, an expenditure must be "made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and [not be] made in concert with, or at the suggestion of, any candidate, or any authorized committee or agent of such candidate." FECA, Section 301(17).

AMPAC has established strict procedures to insure that all of its independent expenditures, including those on behalf of Congressman Bateman, conform to this requirement. All members of the AMPAC Board of Directors and staff have signed certifications that they have had no contact whatsoever with Congressman Bateman or his campaign committee. Copies of these certifications, which are maintained on file in the AMPAC office, can be provided to you if you

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request. The television commercials were prepared by a California company which has had no contact with the Bateman campaign, and was completed during August, 1984. Thus, AMPAC is certain that no contact has occurred between it and Congressman Bateman or his authorized committees or agents which would in any way compromise the independence of the expenditures for the television commercials.

2. Mr. McGlennon's complaint sets forth a number of allegations regarding AMPAC's support of congressman Bateman. As stated in more detail below, AMPAC does not agree with all of these allegations. But even if all the allegations were true, they would not establish a violation of FECA.

AMPAC agrees with the facts stated in paragraph 1, 2, 3, 5 and 6 on page one of Mr. McGlennon's complaint. AMPAC does not agree with the allegation in paragraph 7 that the AMPAC commercials "purport to reflect Congressman Bateman's campaign views." The commercials merely expressed AMPAC's opinion that Congressman Bateman should be reelected and did not purport to speak for Congressman Bateman or state his views. And AMPAC does not agree with the entirely unsubstantiated statements "on information and belief" on page two.

AMPAC has no knowledge regarding the solicitation letter referred to in paragraph 4. AMPAC may have received such a letter. AMPAC receives many solicitation letters from candidates, most of which are discarded. If AMPAC did receive such a letter, it would have arrived after the commercials were completed. Furthermore, the letter in no way suggests making an independent expenditure on Congressman Bateman's behalf. Thus, if the letter were received by AMPAC (which the complaint does not allege), it did not have any impact on the decision to make an independent expenditure.

Even if all the allegations in the complaint were true, the complaint would not state a violation of FECA. The complaint in effect argues that a political action committee ("PAC") cannot make an independent expenditure on behalf of a candidate to which it has also made a contribution or which has asked the PAC for money. Nothing in FECA or the Commission's regulations or advisory opinions in any way support such a conclusion. The complaint also implies that an independent expenditure cannot express views similar to those of the candidate it supports. In fact, since AMPAC expresses its views in its independent expenditures and only makes such expenditures on behalf of candidates who tend to agree with those views, the views expressed in the independent expenditure will almost

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always be similar to those of the candidate. So long as the expenditure is not based on information provided to AMPAC "by the candidate, or the candidate's agents, with a view toward having an expenditure made," such similarity of views is in no way improper.

3. The complaint does not meet the requirements of Section 111.4 of the Commission's regulations. Section 111.4(d)(3) requires that the complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." As was demonstrated above, the allegations of the complaint do not describe a violation. Section 111.4(d)(2) requires that statements based on information or belief "should be accompanied by an identification of the source of the information which gives rise to the complainant's belief in the truth of such statements." The statements based on information and belief in the complaint are mere speculation based on unwarranted inferences from allegations stated earlier in the complaint. Such statements contain neither additional information nor an identification of the source of such information. Thus, the requirements of Section 111.4(d)(2) are clearly not met.

I think it is clear, based on the above, that there is no basis for the Commission taking any action against AMPAC based on Mr. McGlennon's complaint. If you need any additional information, or if I can be of any assistance to you in resolving this matter, please let me know.

Very truly yours,

Leslie J. Miller

Leslie J. Miller

LJM/nrm

8 5 0 4 0 5 1 2 1 9 2

RE-ELECT HERB
BATEMAN
TO CONGRESS

(804) 898-1694

POST OFFICE BOX 1668 • GRAFTON BRANCH • YORKTOWN, VIRGINIA 23692

(8)

FEC
'84 NOV 30 P1:26

November 21, 1984

'84 NOV 30 P4:03

Mr. Eric Kleinfeld
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1844

Dear Mr. Kleinfeld:

This is in response to your letter of November 13, 1984 and to the enclosed complaint of John J. McGlennon dated November 1, 1984.

You are advised as follows:

1. The factual assertions of Mr. McGlennon set out in paragraph 1-5 are correct, except the letter attached to his complaint was not even sent to the American Medical Political Action Committee since prior to October 1, 1984 AMPAC had made the maximum permissable contribution to the Bateman Re-election campaign (AMPAC - $5,000 on 7/10/83 and $4,000 on 6/26/84 and $1,000 from VAMPAC, an affiliate PAC on 6/26/84). Neither I nor any member of staff or the candidate, Congressman Bateman, had any knowledge of when the television commercials which are the subject of the complaint were first shown, how many times they were shown or on what stations they were shown.

2. As to the assertion of paragraph 7, the commercial was general in character and based on news media accounts was used in several other congressional races as an independent expenditure of the AMPAC. The only knowledge I or anyone connected with the Bateman campaign have with respect to the subject commercial is a description by others who have seen it. From that description, it did not specifically focus on the issues of the Bateman Re-election campaign.

3. The last numbered paragraph of the complaint letter represents an irresponsible charge unsupported by

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(9)

even an allegation of facts to support the charge. There was absolutely no "cooperation", "prior consent", "consultation", "request", or "suggestion" as between the AMPAC and the Bateman campaign. There was no information provided AMPAC by the campaign regarding any plans, projects or needs of the campaign. Nor was there any similarity between Bateman campaign advertising and that of AMPAC.

It is respectfully submitted that the complaint is frivolous, is not supported by any evidence and if it is not withdrawn should be dismissed and its author censured.

Sincerely,

Gordon L. Gentry

Gordon L. Gentry, Jr.
Treasurer

Signed and sworn to before me this 28th day of November , 1984.

Mae C. Anderson
Notary Public

My Commission Expires March 9, 1987

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ATTACHMENT III (10)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 1 of 1 for Line Number 21

*Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

American Medical Association Political Action Committee

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of John Warner '84 1515 N. Courthouse Road Suite 201 Arlington, VA 22201	For: John Warner (R) Senate - Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bateman For Congress Committee P.O. Box 1668, Grafton Branch Yorktown, VA 23692	For: Herb Bateman (R) 1st C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Garland For Congress P.O. Box 745 Roanoke, VA 24004	For: Jay Garland (R) 5th C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Slaughter For Congress Committee 139 West Davis Street P.O. Box 1001 Culpeper, VA 22701	For: French Slaughter (R) 7th C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Parris For Congress P.O. Box 704 Springfield, VA 22150	For: Stan Parris (R) 8th C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Stafford For Congress P.O. Box 500 Fearisburg, VA 24134	For: Jeff Stafford (R) 9th C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Friends of Frank Wolf '84 P.O. Box 1055 Vienna, VA 22180	For: Frank Wolf (R) 10th C.D. Virginia 1984 General Election Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/6/84	4,000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jim Cooper For Congress - 1984 Comm. P.O. Box 684 Shelbyville, TN 37160	For: Jim Cooper (D) 4th C.D. Tennessee 1984 Primary Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/6/84	1,000.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bart Gordon For Congress P.O. Box 1984 Murfreesboro, TN 37133	For: Bart Gordon (D) 6th C.D. Tennessee 1984 Primary Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/6/84	5,000.00
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

R4033:34468

SCHEDULE B **ITEMIZED DISBURSEMENTS**

(11)

LINE NUMBER 21
(Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee

Name of Committee (In Full)

VIRGINIA MEDICAL POLITICAL ACTION COMMITTEE

A. Full Name, Mailing Address and ZIP Code Congressman Frank Wolf P.O. Box 1055 Vienna, VA 22180	Purpose of Disbursement 1984 Gen. Election, '84, Contribution Disbursement for ☐ Primary ☑ General ☐ Other (specify)	Date (month, day, year) 6/08/84	Amount of Each Disbursement This Period $1,000.00
B. Full Name, Mailing Address and ZIP Code Senator John Warner 1515 N. Courthouse Rd., Ste. 201 Arlington, VA 22201	Purpose of Disbursement 1984 Gen. Election, '84 Contribution Disbursement for ☐ Primary ☑ General ☐ Other (specify)	Date (month, day, year) 6/23/84	Amount of Each Disbursement This Period $1,000.00
C. Full Name, Mailing Address and ZIP Code Congressman Herb Bateman P.O. Box 1668, Grafton Branch Yorktown, VA 23692	Purpose of Disbursement 1984 Gen. Election, '84, Contribution Disbursement for ☐ Primary ☑ General ☐ Other (specify)	Date (month, day, year) 6/23/84	Amount of Each Disbursement This Period $1,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for ☐ Primary ☐ General ☐ Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			$3,000.00

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R 103519352

RECEIVED AT THE FEC
GC#5856
84 DEC 3 P2:27

AMERICAN MEDICAL ASSOCIATION
535 NORTH DEARBORN STREET • CHICAGO, ILLINOIS 60610 • PHONE (312) 645-5000 • TWX 910-221-0300

CORPORATE LAW DIVISION
LESLIE J. MILLER
Staff Attorney
645-4608

November 28, 1984

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTENTION: Mr. Charles N. Steele
General Counsel

Re: MUR 1844

Dear Mr. Steele:

I am writing to you as counsel to the American Medical Association Political Action Committee ("AMPAC") in response to your letter of November 13, 1984 to Mr. Peter B. Lauer, the Treasurer of AMPAC, regarding the above-referenced MUR.

AMPAC believes that the Commission should take no action against it in connection with this matter, for three reasons. First, the television commercial aired on behalf of Congressman Bateman by AMPAC clearly meet the requirements for independent expenditures set forth in Section 301(17) of the Federal Election Campaign Act ("FECA"), 2 U.S.C. Section 431(18), and the Commission's regulations thereunder. Second, the allegations of complaint, even if true, would not establish a violation of FECA. Third, the complaint does not meet the requirements of Section 111.4 of the Commission's regulations.

1. In order to qualify as an independent expenditure, an expenditure must be "made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and [not be] made in concert with, or at the suggestion of, any candidate, or any authorized committee or agent of such candidate." FECA, Section 301(17).

AMPAC has established strict procedures to insure that all of its independent expenditures, including those on behalf of Congressman Bateman, conform to this requirement. All members of the AMPAC Board of Directors and staff have signed certifications that they have had no contact whatsoever with Congressman Bateman or his campaign committee. Copies of these certifications, which are maintained on file in the AMPAC office, can be provided to you if you

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request. The television commercials were prepared by a California company which has had no contact with the Bateman campaign, and was completed during August, 1984. Thus, AMPAC is certain that no contact has occurred between it and Congressman Bateman or his authorized committees or agents which would in any way compromise the independence of the expenditures for the television commercials.

2. Mr. McGlennon's complaint sets forth a number of allegations regarding AMPAC's support of congressman Bateman. As stated in more detail below, AMPAC does not agree with all of these allegations. But even if all the allegations were true, they would not establish a violation of FECA.

AMPAC agrees with the facts stated in paragraph 1, 2, 3, 5 and 6 on page one of Mr. McGlennon's complaint. AMPAC does not agree with the allegation in paragraph 7 that the AMPAC commercials "purport to reflect Congressman Bateman's campaign views." The commercials merely expressed AMPAC's opinion that Congressman Bateman should be reelected and did not purport to speak for Congressman Bateman or state his views. And AMPAC does not agree with the entirely unsubstantiated statements "on information and belief" on page two.

AMPAC has no knowledge regarding the solicitation letter referred to in paragraph 4. AMPAC may have received such a letter. AMPAC receives many solicitation letters from candidates, most of which are discarded. If AMPAC did receive such a letter, it would have arrived after the commercials were completed. Furthermore, the letter in no way suggests making an independent expenditure on Congressman Bateman's behalf. Thus, if the letter were received by AMPAC (which the complaint does not allege), it did not have any impact on the decision to make an independent expenditure.

Even if all the allegations in the complaint were true, the complaint would not state a violation of FECA. The complaint in effect argues that a political action committee ("PAC") cannot make an independent expenditure on behalf of a candidate to which it has also made a contribution or which has asked the PAC for money. Nothing in FECA or the Commission's regulations or advisory opinions in any way support such a conclusion. The complaint also implies that an independent expenditure cannot express views similar to those of the candidate it supports. In fact, since AMPAC expresses its views in its independent expenditures and only makes such expenditures on behalf of candidates who tend to agree with those views, the views expressed in the independent expenditure will almost

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always be similar to those of the candidate. So long as the expenditure is not based on information provided to AMPAC "by the candidate, or the candidate's agents, with a view toward having an expenditure made," such similarity of views is in no way improper.

3. The complaint does not meet the requirements of Section 111.4 of the Commission's regulations. Section 111.4(d)(3) requires that the complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." As was demonstrated above, the allegations of the complaint do not describe a violation. Section 111.4(d)(2) requires that statements based on information or belief "should be accompanied by an identification of the source of the information which gives rise to the complainant's belief in the truth of such statements." The statements based on information and belief in the complaint are mere speculation based on unwarranted inferences from allegations stated earlier in the complaint. Such statements contain neither additional information nor an identification of the source of such information. Thus, the requirements of Section 111.4(d)(2) are clearly not met.

I think it is clear, based on the above, that there is no basis for the Commission taking any action against AMPAC based on Mr. McGlennon's complaint. If you need any additional information, or if I can be of any assistance to you in resolving this matter, please let me know.

Very truly yours,

Leslie J. Miller

Leslie J. Miller

LJM/nrm

8 5 0 4 0 5 1 2 1 9 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ERIC KLEINFIELD

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1844: AMERICAN MEDICAL ASSOCIATION POLITICAL ACTION COMMITTEE (AMA PAC)

Please review the attached Request for Additional Information which is to be sent to the AMA PAC for the 1984 October Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on Friday, December 7, 1984. Thank you.

COMMENTS:

Attachment

8 5 0 4 0 5 1 2 2 0 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Peter Lauer, Treasurer
American Medical Association
Political Action Committee
1101 Vermont Avenue, NW
Washington, DC 20005

Identification Number: C00000422

Reference: October Monthly Report (9/1/84-9/30/84)

Dear Mr. Lauer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Your report discloses a reimbursement from the Texas Medical Association Political Action Committee for research as a negative entry for Line 19. If this represents a transfer that was received by your committee it should be reported as a receipt on Schedule A supporting Line 15 of the Detailed Summary Page. Please amend your report accordingly or clarify why this should be reported as a negative entry.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

8504051220 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 5, 1984

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL

ATTENTION: ERIC KLEINFIELD

FROM: SHAWN WOODHEAD
SENIOR COMPLIANCE ANALYST
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 1844: AMERICAN MEDICAL ASSOCIATION POLITICAL ACTION COMMITTEE (AMA PAC)

Please review the attached Request for Additional Information which is to be sent to the AMA PAC for the 1984 October Monthly Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have should be forwarded to RAD by 12:00 noon on Friday, December 7, 1984. Thank you.

COMMENTS:

OK EKleinfeld 12/5

Attachment

8504051220 2

HERB

FOR CONGRESS

POST OFFICE BOX 1668 • GRAFTON BRANCH • YORKTOWN, VIRGINIA 2300

Paid for by the Herb Bateman for Congress Committee

HAMPTON ROADS VA 23314
PM
28 NOV
1984

Mr. Eric Kleinfeld, Esquire
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

GCC#5838
RECEIVED AT THE FEC
(804) 898-1984

84 NOV 30 P1:26

RE-ELECT HERB

TO CONGRESS

POST OFFICE BOX 1668 • GRAFTON BRANCH • YORKTOWN, VIRGINIA 23692

November 21, 1984

84 NOV 30 P4:03

Mr. Eric Kleinfeld
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1844

Dear Mr. Kleinfeld:

This is in response to your letter of November 13, 1984 and to the enclosed complaint of John J. McGlennon dated November 1, 1984.

You are advised as follows:

1. The factual assertions of Mr. McGlennon set out in paragraph 1-5 are correct, except the letter attached to his complaint was not even sent to the American Medical Political Action Committee since prior to October 1, 1984 AMPAC had made the maximum permissable contribution to the Bateman Re-election campaign (AMPAC - $5,000 on 7/10/83 and $4,000 on 6/26/84 and $1,000 from VAMPAC, an affiliate PAC on 6/26/84). Neither I nor any member of staff or the candidate, Congressman Bateman, had any knowledge of when the television commercials which are the subject of the complaint were first shown, how many times they were shown or on what stations they were shown.

2. As to the assertion of paragraph 7, the commercial was general in character and based on news media accounts was used in several other congressional races as an independent expenditure of the AMPAC. The only knowledge I or anyone connected with the Bateman campaign have with respect to the subject commercial is a description by others who have seen it. From that description, it did not specifically focus on the issues of the Bateman Re-election campaign.

3. The last numbered paragraph of the complaint letter represents an irresponsible charge unsupported by

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HE WORKS FOR YOU!

Paid for by the Herb Bateman for Congress Committee

even an allegation of facts to support the charge. There was absolutely no "cooperation", "prior consent", "consultation", "request", or "suggestion" as between the AMPAC and the Bateman campaign. There was no information provided AMPAC by the campaign regarding any plans, projects or needs of the campaign. Nor was there any similarity between Bateman campaign advertising and that of AMPAC.

It is respectfully submitted that the complaint is frivolous, is not supported by any evidence and if it is not withdrawn should be dismissed and its author censured.

Sincerely,

Gordon L. Gentry, Jr.
Treasurer

Signed and sworn to before me this 28th day of November , 1984.

Mae C. Anderson
Notary Public

My Commission Expires March 9, 1987

8 5 0 4 0 5 1 2 2 0 5

AMERICAN MEDICAL ASSOCIATION
535 NORTH DEARBORN STREET • CHICAGO, IL 60610

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

CHICAGO IL 60
-PM
28 NOV
1984

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

ATTENTION: Mr. Charles N. Steele
General Counsel

CERTIFIED
P 483 816 838
MAIL

RETURN RECEIPT REQUESTED

RECEIVED AT THE FEC
GCC#5758
84 NOV 23 A9:27

AMPAC AMERICAN MEDICAL POLITICAL ACTION COMMITTEE

1101 Vermont Ave., N.W.
Washington, DC 20005
Telephone 202 842-8442

BOARD

Fred C. Rainey, MD
Elizabethtown, Kentucky
Chairman

Thomas R. Berglund, MD
Portage, Michigan
Secretary

J. Dan Bateman, MD
Albany, Georgia

Joseph L. Hatch, MD
Salt Lake City, Utah

David B. Horner, MD
Inglewood, California

Michael P. Levis, MD
Pittsburgh, Pennsylvania

Robert C. Loomis, MD
Eugene, Oregon

Constance M. (Mrs. R.B.) Moore
West Palm Beach, Florida

John M. Smith Jr. MD
San Antonio, Texas

W. Leonard Weyl, MD
Arlington, Virginia

STAFF

Peter B. Lauer
Executive Director and Treasurer

Jack R. Hotaling
Assistant Director and Assistant Treasurer

Diane W. Adams
Director, Department of Political Education

85049512207

November 21, 1984

84 NOV 23 A10:51

Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

To Whom It May Concern:

Enclosed is our statement of Designation of Counsel.

Mr. Miller will be responding to your letter of November 15, 1984, MUR 1844 within seven days.

Sincerely,

Peter B. Lauer
Executive Director and
Treasurer

PBL/fs

cc: Leslie Miller, Esq.

99+

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1844

NAME OF COUNSEL: Leslie Miller

ADDRESS: c/o American Medical Association
535 N. Dearborn
Chicago, IL 60610

TELEPHONE: 312-645-4608

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.

11/21/84
Date

Peter B. Lauer
Signature

RESPONDENT'S NAME: Peter B. Lauer

ADDRESS: c/o American Medical Association
1101 Vermont Avenue, NW
Washington, DC 20005

HOME PHONE:

BUSINESS PHONE: 202-789-7462

8504051220 8

101 Vermont Ave., N.W.
Washington, DC 20005

WASHINGTON, DC
PM
21 NOV
1984

MAIL EARLY
FOR CHRISTMAS

Federal Election Commission
1325 K Street, NW
Washington, DC 20463

84 NOV 23 A9:27

0 4 0 5 1 2 2 0 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1984

John J. McGlennon
607 Grove Avenue
Williamsburg, Virginia 23185

Dear Mr. McGlennon:

This letter is to acknowledge receipt of your complaint which we received on November 5, 1984, against American Medical Association Political Action Committee, Bateman for Congress Committee, and Gordon L. Gentry, Jr., which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

8 5 0 4 0 5 1 2 2 1 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Peter B. Lauer
Treasurer
American Medical
Association Political
Action Committee
1101 Vermont Avenue, N.W.
Washington, D.C. 20005

Re: MUR 1844

Dear Mr. Lauer:

This letter is to notify you that on November 5, 1984 the Federal Election Commission received a complaint which alleges that American Medical Association Political Action Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1844. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against American Medical Association Political Action Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Eric Kleinfeld, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

8 5 0 4 0 5 1 2 2 1 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 13, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gordon L. Gentry, Jr.
Treasurer
Bateman for Congress Committee
P.O. Box 1668
Grafton Branch
Yorktown, Virginia 23692

Re: MUR 1844

Dear Mr. Gentry:

This letter is to notify you that on November 5, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, as treasurer may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1844. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, as treasurer in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 5 0 4 0 5 1 2 2 1 3

If you have any questions, please contact Eric Kleinfeld, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Congressman Herbert Bateman

8 5 0 4 0 5 1 2 2 1 4

RECEIVED AT THE FEC
GCC#5481
84 NOV 5 A8:02

McGlennon
CONGRESS '84

MUR 1844

84 NOV 5 A11:03

November 1, 1984

General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Sir:

I request that you commence an investigation, pursuant to your statutory and regulatory, of certain campaign expenditures made by the American Medical Association's ("AMA") political action committee to promote the candidacy of Herbert Bateman for the U.S. House of Representatives from Virginia's First Congressional District.

On my personal knowledge, I state the following:

1. My name is John J. McGlennon and I reside at 607 Grove Avenue, Williamsburg, Virginia 23185.

2. I am the 1984 nominee of the Democratic Party for the U.S. House of Representatives from the First Congressional District of Virginia.

3. My opponent in the current campaign is the incumbent Congressman Herbert H. Bateman.

4. On or about October 1, 1984 Bateman for Congress Committee transmitted letters to many political action committees soliciting contributions. A sample of those solicitation letters accompanies this request.

5. On October 30, television commercials were aired on stations broadcasting to the First Congressional District which were sponsored by the AMA's political action committee and which promote Mr. Bateman's candidacy.

6. Reports filed with the Federal Election Commission by Mr. Bateman's campaign show that the AMA's political action committee made contributions to his primary campaign of $5,000 and to his general election campaign of $4,000.

8 5 0 4 0 5 1 2 2 1 5

Post Office Box 1492
Williamsburg, Virginia 23187
(804) 877-7226

12254 Warwick Boulevard
Newport News, Virginia 23606
(804) 596-5151

Paid for by McGlennon in '84 Committee, Michael Flanary, Treasurer

7. The AMA sponsored advertisements that purport to reflect Congressman Bateman's campaign views.

On information and belief, I state the following:

1. In light of the direct contributions by the AMA to the Bateman campaign, the AMA sponsored advertisements appear to be made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of the Bateman campaign.

2. In light of the prior solicitation of contributions to the Bateman campaign, the prior AMA direct contributions to the Bateman campaign and the similarity between the Bateman and AMA sponsored advertising, the AMA sponsored advertisements appear to be based on information about Mr. Bateman's plans, projects or needs provided to the AMA by the Bateman campaign.

I believe that the suspicious nature and surrounding circumstances of the alleged "independent expenditures" by the AMA's political action committees create a reason to believe that a violation of federal campaign financing laws or regulations may have occurred and presents a matter which merits investigation and review by the Federal Election Commission.

Sincerely yours,

John J. McGlennon

John J. McGlennon

Signed and sworn to before me this 1st day of November, 1984.

Notary Public

My Commission Expires Jan. 11, 1985

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BATEMAN FOR CONGRESS
P.O. BOX 1668
GRAFTON BRANCH
YORKTOWN, VA 23692
01-OCT-84 1756 2268 00464
01-OCT-84 2012 M639 WAS NW

Dear

I am in the middle of the toughest re-election campaign I have ever had to face in my 16 years of elective office. I need your help. Without strong financial support from the business community, including support from your PAC, I very well may not survive to serve another term in Congress.

Although contributions are coming in from many individuals in my district, business PAC support has not been as strong. I may be somewhat at fault for not letting you know sooner how serious my situation is. That is why I am sending you this emergency appeal.

During my first term in the House of Representatives, I have supported policies which have led to a strong, growing economy. I have worked to bring federal spending under control and to block efforts by those who would return us to double-digit inflation and sky-high interest rates by scrapping President Reagan's economic and tax initiatives.

The following are some of my group ratings from the 98th Congress.

U. S. Chamber of Commerce	100
National Association of Manufacturers	100
American Security Council	100
BIPAC	97
Americans for Constitutional Action	89
CQ/'83 Presidential Support	87
Americans for Democratic Action	0
COPE	0
NEA	0

My opponent, the former Democratic Chairman of the First Congressional District, is a liberal college professor who opposes President Reagan's tax and spending reforms. He is an ardent environmentalist who is unwilling to balance those concerns with the need for economic development and energy self-sufficiency. His solution for federal deficits is to increase social welfare spending while drastically cutting back on defense spending.

The largest daily newspaper in my district, The Daily Press, offered the following description of my 1984 race in a September 5 editorial:

> "John McGlennon, the First District Democratic candidate for Congress, has been on the trail of incumbent Republican Congressman Herbert Bateman for nearly two years. After McGlennon, an associate professor of government at the college of William and Mary, lost to Mr. Bateman in their 1982 encounter, he instantly promised a return engagement. It has paid off. Rep. Bateman, a respected Peninsula politial figure for nearly 20 years, is in a race most describe as a toss-up"
>
> "Until Paul Trible (was elected in 1976)... the First District was solidly Democratic. His success in the District changed the perception that it is a Democratic district but--absent Paul Trible--Mr. McGlennon hopes it has not changed the leanings of the district's population. All in all, as the Bateman-McGlennon race is renewed, don't look for a replay (of 1982). This is a contest".

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<cM639> <s2268> <m00464> <s26> <z20036>

My campaign is one of the top three targeted races on the National Democratic Party's "hit list". Every major liberal and Labor organization in the country is pouring money into the First District because they smell blood. With almost eight weeks still to go, my opponent has already raised substantially more money in 1984 than he did for his entire 1982 campaign.

The campaign staff has already cut back spending in several areas and, unless we get help from you and other business PACs immediately, we will have to cut back even more. Unless I can come close to matching my opponent's spending in the next eight weeks, it will be very difficult for me to win on November 6. I must raise almost $100,000 in the next 43 days just to pay for television and radio advertising.

I am requesting a generous contribution from your PAC and would appreciate any assistance you could give my request

I will remember your generosity and assure you that it will be put to good use.

Sincerely,

Herbert H. Bateman
Member of Congress

P.S. I need your help today if I am going to win the toughest re-election campaign I have ever faced. Please send a check from your PAC to the Bateman for Congress Committee, (Gordon L. Gentry, Jr., Treasurer), P.O. Box 1668, Grafton Branch, Yorktown, VA 23692.

Congressman Bateman:

My PAC would like to know more about your 1984 re-election campaign. Please send additional information on your race to

Name of Organization:

Name of Contact

Address

City State Zip

Telephone ( )

8504051221 8

McGlennon
CONGRESS '84

ost Office Box 1492
illiamsburg, Virginia 23187

RETURN RECEIPT
REQUESTED

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P 213 619 660
MAIL

id for by McGlennon in '84 Committee, Michael Flannery, Treasurer.

84 NOV 5

General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION

1325 K STREET N.W
WASHINGTON, D.C. 20463

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