

Squire, Sanders & Dempsey

Counsellors at Law

*1201 Pennsylvania Avenue, N.W.
P O Box 407*

Washington, D C 20044-0407

Telephone (202) 626-6600

Cable Square 1-6

Telex (202) 626-6780

*U S Offices
Cleveland Ohio
Columbus Ohio
Jacksonville Florida
Miami Florida
New York New York
Phoenix Arizona*

*International Offices
Brussels Belgium
Budapest Hungary
London England
Prague Czech Republic*

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Direct Dial Number

(202) 626-6656

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Ms Marjorie W Emmons
Secretary
Federal Election Commission
999 E Street, N W
Washington, D C 20463

Re Comments on Draft Advisory Opinion 1994-19

Dear Gentlemen/Ladies

On June 6, 1994, on behalf of our client, the American Society of Anesthesiologists ("ASA"), we submitted a request for an advisory opinion to the Commission on the question whether ASA's separate segregated fund, ASA-PAC, is affiliated with the political committees of two state component societies. On July 15, 1994, we received from the Commission a draft of Advisory Opinion 1994-19 We have completed our review of the draft and herein submit the following comments

On page four, beginning at line four, the Commission describes ASA as "a membership organization of individual physicians and scientists, a predominant percentage of whose membership is derived from their membership in the state component societies " For the record, ASA wishes to clarify the composition of its membership The reference to "a predominant percentage" is unclear, it may be more accurate to state that ASA is an organization of individual physicians and scientists whose membership in ASA is derived from their membership in a state component society

On page six, beginning at line four, the Commission discusses overlapping membership in ASA and the state component societies The Commission notes that serving on the ASA Board of Directors generally requires two years voting membership in a state component society See Lines 9-11 The Commission also notes that to serve as an officer of a state society one

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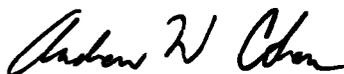
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must be an active member of ASA. See lines 11-12. It does not necessarily follow, however, that "[u]nder these circumstances, an overlap of officers is also likely."

The Commission would be correct in concluding that it is likely either that a component society officer would be an ASA member or that an ASA officer would be a component society member. Such facts do not support the conclusion that ASA officers overlap with state component society officers, or vice versa. In fact, there is only one instance of an ASA officer also serving as an officer of a state component society.¹ This fact mitigates against finding that factor "E," common or overlapping officers, is present under 11 CFR § 110.3(a)(3)(ii), and should weigh against the Commission's conclusion that ASA-PAC and the two state component society PACs are affiliated.

We appreciate the opportunity to provide comments on the Commission's draft. Please let us know if we may provide any additional information.

Sincerely,



Andrew W. Cohen

cc ✓ Office of the General Counsel

¹ Dr. Barry M. Glazer, the Vice-Speaker of the ASA House of Delegates, is also the President-elect of the Indiana component society of the ASA.