FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2272

DATE FILMED 7/29/87 CAMERA NO. 2

CAMERAMAN AS

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PUBLIC RECORD INDEX - MUR 2272

1. Complaint, dtd 23 Oct 86 (rec'd at FEC 27 Oct 86) filed by Rep. Pete Stark against American Medical Assn (AMA); American Medical Assn. Political Action Cmte (AMPAC) and Peter D. Lauer, as Treas; California Medical Assn (CMA); California Medical Political Action Cmte (CALPAC) and Donald Gartmen as Treas; and Williams for Congress Cmte (WFCC) and David M. Williams as Treas.

2. Expedited First General Counsel's Report, dtd 28 Oct 86.

3. Memo, dtd 29 Oct 86, Office of General Counsel (OGC) to Office of Commission Secretary (OCS), Subject: MUR 2272 -Expedited 1st G.C. Rpt.

4. Ltrs, dtd 29 Oct 86, Lawrence M. Noble (Deputy General Counsel, FEC) to: a) Hon Pete Stark; b) CMA; c) AMA; d) David M. Williams (WFCC); e) Donald Gartman (CALPAC); f) Peter B. Lauer (AMPAC).

5. Motion to Recuse directed to Commissioner Lee Ann Elliott, dtd 23 Oct 86 (rec'd at FEC 30 Oct 86) filed by Rep Pete Stark.

6. Memo, dtd 4 Nov 86, Charles N. Steele (General Counsel, FEC) to Commissioner L.A. Elliott, Subject: Complainant's Request for Your Recusal From Proceedings in MUR 2272.

7. Memo, dtd 6 Nov 86, L.A. Elliott to C.N. Steele Subject: MUR 2272 - Motion for Recusal.

8. Ltr, dtd 5 Nov 86 (rec'd at FEC 6 Nov 86), P.D. Lauer to FEC.

9. Ltr, dtd 31 Oct 86 (rec'd at FEC 6 Nov 86) D.M. Williams to FEC. (Response to Complaint)

10. Ltr, dtd 7 Nov 86, Philip N. Lyons (Counsel to D.M. Williams and WFCC) to FEC (Response to Complaint).

11. Ltr, dtd 12 Nov 86, Leslie J. Miller (Counsel to AMA and AMPAC) to FEC (Response to Complaint).

12. Ltr, dtd 14 Nov 86, Rick C. Zimmerman (Counsel to CMA) to FEC, w/encl (13 Nov 86 Designation of Counsel).

13. Ltr, dtd 20 Nov 86, R.C. Zimmerman to FEC.

14. Ltr, dtd 21 Nov 86, Diane E. Wick (Counsel to CALPAC) to FEC w/encl (19 Nov 86 Designation of Counsel).

15. Memo, dtd 10 Dec 86, C.N. Steele to L.A. Elliott, Subject: MUR 2272 - Motion for Recusal.

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15a. Ltr, dtd 10 Dec 86, L.A. Elliott to P. Stark, (re: Denial of Motion to Recuse).

16. General Counsel's Report, dtd 10 Dec 86.

17. Memo, dtd 10 Dec 86, OGC to OCS, Subject: MUR 2272 - G.C. Rpt.

18. Certification of Commission Action, dtd 12 Dec 86.

19. Ltr, dtd 16 Dec 86, Lois G. Lerner (Assoc Gen Coun, FEC) to FEC) to Wick.

20. Ltr, dtd 16 Dec 86, L.G. Lerner to R.C. Zimmerman.

21. Ltr, (Response to Complaint), dtd 2 Jan 87, D.E. Wick (for CALPAC) to FEC, w/encls.

22. Ltr, (Response to Complaint), dtd 2 Jan 87, R.C. Zimmerman (for CMA) to FEC.

23. Ltr, 22 Jan 87, D.E. Wick to Public Records Division, FEC.

24. Ltr, dtd 9 Feb 87, Rep P. Stark to FEC (Add'l Info to Complaint), w/encls.

25. Memo, dtd 12 Feb 87, M.W. Emmons to Commission, Subject: MUR 2272 - Amendment.

26. Ltrs, dtd 13 Feb 87, re: Amendment to Complaint, L.G. Lerner to: a) P. Stark; b) R.C. Zimmerman (for CMA): c) D.E. Wick (for CALPAC and D. Gartman, Treas); d) P.N. Lyms (for WFCC and D.M. Williams, Treas); e) L.J. Miller (for AMA and AMPAC); f) Jack McDonald, Treas, Nat'l Republican Congressional Cmte (NRCC).

27. Memo, dtd 19 Feb 87, Reports Analysis Division, FEC, to OGC, Subject: Proposed RFAI to CALPAC.

28. Ltr, dtd 24 Feb 87, D.E. Wick (for CALPAC) to FEC (Response to Amended Complaint).

29. Ltr, dtd 24 Feb 87, L.J. Miller (for AMA and AMPAC) to FEC (Response to Amded Complaint) w/encls.

30. General Counsel's Report, dtd 27 Feb 87.

31. Memo, dtd 2 March 87 OGC to OCS, Subject: MUR 2272 - G.C. Report.

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32. Ltr, dtd 26 Feb 87 (rec'd at FEC 3 March 87), P.N. Lyons (for WFCC and D.M. Williams) to FEC (Response to Amded Complaint), w/encls.

33. Ltr, dtd 2 March 87, R.C. Zimmerman (for CMA) to FEC (Response to Amded Complaint).

34. Ltr, dtd 4 March 87, L.J. Miller (for AMA and AMPAC) to FEC (Add'l Response to Amded Complaint).

35. Ltr, dtd 11 March 87, Jan W. Baran (Counsel to NRCC) to FEC (Response to 13 Feb 87 Notification of Complaint and Amded Complaint) w/encl (Designation of Counsel).

36. General Counsel's Report, dtd 6 April 87.

37. Memo, dtd 6 April 87, OGC to OCS, Subject: MUR 2272 - G.C. Report

38. General Counsel's Report, dtd 26 May 87.

39. Memo, dtd 27 May 87, OGC to OCS, Subject: MUR 2272 - G.C. Report.

40. Memo, dtd 29 May 87, OCS to OGC, Subject: Objection[s] to MUR 2272 - G.C. Report signed May 26, 1987.

41. Memo, dtd 29 May 87, OCS to OGC, Subject: Comments on MUR 2272 - G.C. Rpt signed May 26, 1987, w/atch (Comments of Chairman Thomas).

42. Memo, dtd 29 May 87, OCS to OGC, Subject: Objection to MUR 2272 - G.C. Rpt signed May 26, 1987, w/atch (Objection of Commissioner McDonald).

43. Memo, dtd 29 May 87, OCS to OGC, Subject: Comments on MUR 2272 -G.C. Rpt signed May 26, 1987, w/atch (Comment of Commissioner McGarry).

44. Certification of Commission action, dtd 10 June 87.

45. Closing Ltrs, dtd 15 June 87, L.M. Noble (Acting General Counsel, FEC) to: a) P. Stark; b) P.N. Lyons (WFCC and D.M. Williams); c) D.E. Wick (CALPAC and D. Gartman, Treas); f) L.J. Miller (AMA); g) L.J. Miller (AMPAC and P.D. Lauer, Treas).

46. Statement of Reasons, Commissioner Thomas J. Josefiak, dtd 26 June 87.

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47 Concurrence in Statement of Reasons, Commissioner Lee Ann Elliott, dtd 30 June 87.

48. Ltr, dtd 29 June 1987 (rec'd at FEC 6 July 87) David M. Williams to FEC.

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those docments, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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Congressman

PETE STARK

Democrat

CCC# 1839

RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL
'86 OCT 27 P12:00

October 23, 1986

HAND DELIVERED

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W., Room 613
Washington, D.C. 20463

Re: American Medical Association; American Medical Association Political Action Committee; California Medical Association; California Medical Political Action Committee; and Williams for Congress.

Dear Mr. Steele:

It has come to my attention that the American Medical Association ("AMA"), through its separate segregated fund, the American Medical Association Political Action Committee ("AMPAC"), illegally has expended to date in excess of One Hundred Thousand Dollars on behalf of the Williams for Congress Committee ("Williams for Congress"), the authorized campaign committee of David M. Williams. Moreover, even though AMA's members and paid political consultants clearly have availed themselves of the needs and plans of the Williams Campaign, AMPAC has improperly reported to the Federal Election Commission ("FEC") that its expenditures on behalf of Mr. Williams are "independent expenditures", in an attempt to circumvent the expenditure limitations of the Federal Election campaign Act of 1971, as amended ("FECA" or "the Act").1/ Thus, for the reasons given below, and based on available information, we are hereby formally complaining against these illegal actions of the AMA and AMPAC, as well as their California affiliates, the California Medical Association ("CMA") and CMA's separate seg-

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1/ 2 U.S.C. § 431 et seq. (1986).

Pete Stark Re-Election Committee • Post Office Box 5303 • Oakland, California 94605 • Charles Kline, Treasurer • I.D. No. 044423

regated fund, the California Medical Political Action Committee ("CALPAC"). Further, we are lodging a complaint against Williams for Congress for receiving excessive in-kind contributions of at least One Hundred Thousand Dollars from AMPAC, and failing to comply with FECA disclosure requirements with respect to the receipt of such in-kind contributions.

- THE PARTIES -

As set forth supra, respondent AMA is affiliated with numerous state and local medical associations throughout the country, including respondent CMA. Respondent AMPAC is the separate segregated fund of the AMA. Consequently, AMPAC is affiliated with the separate segregated funds (commonly referred to as "PACs") of AMA-related state and local medical associations nationwide, including respondent CALPAC, the separate segregated fund of CMA. AMPAC and CALPAC work closely together in organizing the federal political activity of the California medical community, including encouraging AMA and CMA member physicians to become actively involved in local federal campaigns.[2/] Moreover, as extensively documented in previous FEC enforcement actions involving respondents,[3/] AMPAC's contributions to, and expenditures on behalf of, federal candidates are based on requests and input from state and local medical PACs, such as CALPAC, and their respective member physicians.

Respondent Williams for Congress is the authorized committee of David M. Williams, a candidate for election to the House of Representatives from the 9th District of California. This seat presently is held by Fortney H. ("Pete") Stark, who serves as Chairman of the House Committee on Ways and Means, Subcommittee on Health.

2/ See FEC's General Counsel Report in MURs 253, 253A, 289, 302, 369 and 618 involving the American Medical Association, the American Medical Political Action Committee et al. dated July 27, 1979 (hereinafter referred to as "FEC's General Counsel Report") at pages 56-60 wherein there is an extensive discussion of the importance of local physician support in determining whether, and to what extent, AMPAC should support a particular federal candidate.

3/ See FEC's General Counsel Report at pages 53-54.

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- GENERAL BACKGROUND -

In May of 1986, AMPAC began making expenditures advocating the election of David M. Williams to the House of Representatives and the defeat of Congressman Stark. These expenditures were reported to the FEC as "independent expenditures" for the purpose of opposition research, consultant fees, travel expenses, management and media fees, benchmark surveys and presentation expenses[4/], courier fees, billboard production, research expenses, and the printing, production and mailing of direct mail packages.[5/] All of these allegedly "independent" expenditures, totalling $101,221.34 as of August 31, 1986, were reported to the FEC as made in support of the election of Mr. Williams. Significantly, these expenditures, which cover virtually all aspects of campaign activity, are in sum twenty times greater than all the expenditures reported by Williams for Congress itself as of its last FEC Report.[6/] Consequently, it appears that it is AMPAC, and not Williams for Congress, that is the major proponent of, and force behind, Mr. William's congressional candidacy.

- STATEMENT OF AUTHORITIES -

Section 431(17) of FECA defines the term "independent expenditure" as meaning:

> 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 concert with, or at the request or

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4/ On numerous occasions, AMPAC has expended funds for benchmark surveys for federal candidates. However, until recently, such expenditures have been treated as in-kind contributions to the recipient candidate. See Exhibit A.

5/ See pertinent portion of AMPAC's FEC Reports covering activity between May 1, 1986 through August 31, 1986, attached as Exhibit B.

6/ Williams for Congress reported $5,665.61 as its total expenditures for the year as of June 30, 1986. To date, a Third Quarter FEC Report has not been received by the FEC or the Clerk of the House from Williams for Congress.

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suggestion of, any candidate, or any authorized committee or agent of such candidate (Emphasis supplied).

Cooperation and consultation are defined in § 109.1(b)(4)(i) of the FEC Regulations as "any arrangement, coordination, or direction by the candidate or his or her agent prior to publication, distribution, display, or broadcast of the communication."[8/] Further, the Regulations bestow a presumption that an expenditure is not independent if based on information about the candidate's plan which is provided to the person making the expenditure by the candidate or agents therefor, or if the expenditure is made by or through any person who is or has been an officer, employee or other person authorized to raise or expend funds for the candidate or authorized committee.[9/] Finally, § 109.1(c) provides that any expenditure not qualifying as an independent expenditure shall be treated as an in-kind contribution to the candidate, unless otherwise exempted.[10/] Such in-kind contributions, if made by a multicandidate political committee, shall not exceed $5,000 per election per federal candidate.[11/]

In sum, the ability to make an independent expenditure is the First Amendment right of the speaker. Only the speaker, through his own conduct in interacting with a candidate or his agent, can vitiate this right. Thus, availing oneself of the needs and plans of a federal candidate certainly extinguishes one's ability to make independent expenditures on behalf of that candidate. And in the instant case, that is precisely what the speaker, AMPAC, has done and continues to do.

7/ 2 U.S.C. § 431(17) (1985). See 11 C.F.R. 109.1 (1986) (stating that independent expenditures means "an expenditure . . . which is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate.")

8/ 11 C.F.R. § 109.1(b)(4)(i) (1986).

9/ 11 C.F.R. § 109.1(b)(4)(i)(a)&(b) (1986).

10/ 11 C.F.R. § 109.1(c) (1986).

11/ 2. U.S.C. § 441a(a)2 (1985).

- GROUNDS FOR COMPLAINT -

In FEC Advisory Opinion 1979-80, the FEC expressly stated that for an expenditure to qualify as independent, each element of the definition set forth at 11 C.F.R. § 109.1(a) must be satisfied.[12/] It is clear this test has not and cannot be met by AMPAC, and, consequently, the alleged "independent" expenditures totalling in excess of $100,000 are in fact excessive contributions to Williams for Congress.

In making its decision to endorse candidate Williams and make expenditures therefor, it is virtually certain that AMPAC relied heavily, if not exclusively, on the recommendations of members of its affiliates CMA and CALPAC. As detailed in prior enforcement actions involving respondents, this is the normal methodology employed by AMPAC for determining candidate support. Moreover, as discussed supra, it is the long-standing policy of AMA and CMA to encourage local member physicians to become involved in local federal campaigns -- and it is these same physicians whose input and recommendations determine the type and nature of expenditures AMPAC will make to local federal candidiates. Therefore, it is also virtually certain that CMA members were in contact with Mr. Williams and his committee and agent prior to recommending that AMPAC launch an extensive expenditure campaign on behalf of Mr. Williams -- one of the most costly expenditure drives in AMPAC's history, as well as the major force behind the Williams campaign.

Under these circumstances, one can only conclude that, by availing themselves and ultimately AMPAC of the needs and plans of the Williams campaign (and possibly even consulting with the campaign regarding direct mail programs, the results of surveys, etc.) CMA and CALPAC clearly have vitiated the right of their affiliate AMPAC to make independent expenditures on behalf of Mr. Williams. There is no other reasonable conclusion that can be drawn from the aforementioned facts. Thus, AMPAC's expenditures were actually contributions to Williams for Congress in an amount thus far of at least $101,221.34, which is clearly in excess of that allowable by law.

12/ FEC Advisory Opinion 1979-80, Fed. Election Camp. Fin. Guide (CCH) ¶5469 (March 12, 1980).

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Notwithstanding the fact that its right to make independent expenditures had been extinguished by the actions of its members and affiliates, the Commission also should be aware that AMPAC vitiated its ability to make independent expenditures by its apparently deliberate choice of vendors and consultants in this case. Specifically, AMPAC chose to use at least three companies for its expenditure campaign for Mr. Williams which also are retained by the National Republican Congressional Committee, an agent of Williams for Congress. By employing these three common companies -- American Viewpoint, Inc., Research Strategy Management, Inc. and Cynthia Newman & Associates -- which apparently have in-depth knowledge of the needs and plans of Republican Congressional candidates, such as Mr. Williams, AMPAC has clearly precluded itself from making independent expenditures[13] on behalf of Mr. Williams. See FEC Advisory Opinion 1979-80.

- RELIEF -

In light of the serious implications of the above-cited efforts by AMPAC to evade both the letter and spirit of the Act, we respectfully urge the FEC to conduct a prompt and thorough investigation into the allegations in this Complaint. The FEC should conclude that it has reason to believe that violations of the FECA have occurred, and are occurring, and thus should require respondents to show why all AMPAC expenditures made in connection with Williams for Congress should not be treated as excessive contributions; why AMPAC should not be held to be

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13/ Note that the disclaimer used by AMPAC on its allegedly "independent" expenditure communications does not conform with FEC regulations. Specifically, the disclaimer on AMPAC's communications simply reads "This communication is paid for by the American Medical Association Political Action Committee ("AMPAC")." See Exhibit C. The disclaimer notice does not state the words "and not authorized by any candidate or candidate's committee" as is required for independent expenditure communications by 11 C.F.R. § 110.11(a)(1)(ii). The FEC should question why AMPAC has chosen not to include this required language on its disclaimers.

violating the FECA by its failure to properly disclose its expenditures; and finally, why Williams for Congress should not be held to be violating the FECA for accepting excessive contributions and failing to comply with disclosure requirements.

Respectfully submitted,

Pete Stark

Subscribed and sworn to before me, a Notary Public, on this 23rd day of October, 1986.

OFFICIAL SEAL
BILLIE B. MERKLE
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Feb. 3, 1989

Billie B. Merkle
Notary Public

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EXHIBIT A

AMPAC AMERICAN MEDICAL POLITICAL ACTION COMMITTEE

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

BOARD

Thomas R. Bagbuss, MD
Portage, Michigan
Chairman

Robert C. Eccles, MD
Eugene, Oregon
Secretary

Mrs. Ezio Epstein
(B. Cowell)
Pompano Beach, Florida

Joseph L. Holsh, MD
Fort Lee, New Jersey

David B. Horner, MD
Redwood City, California

Clifford L. Montgomery, MD
Lubbock, Texas

Fred C. Rennie, MD
Elizabethtown, Kentucky

Pendleton B. Smoak, MD
Orangeburg, South Carolina

R. Fraser Triplett, MD
Jackson, Mississippi

W. Leonard Weyl, MD
Arlington, Virginia

STAFF

Peter B. Lauer
Executive Director and
Treasurer

Jack R. Hotaling
Assistant Director and
Assistant Treasurer

Doris W. Adams
Director, Department
of Political Education

September 19, 1986

The Honorable Gerry Sikorski
U.S. House of Representatives
414 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Sikorski:

As you know, AMPAC was privileged to recently support your reelection effort in the way of a Benchmark Survey, completed by Information Associates and presented to you on August 1, 1986.

This research has been reported as an in-kind contribution from AMPAC to you on our September 1986 (8/1/86 - 8/31/86) report to the Federal Election Commission. You must, therefore, report to the FEC that $450.00 was received from AMPAC in the form of an in-kind contribution on the above date. If there are questions about this, be sure to let me know.

Also, we have included two copies of a receipt for this material and would appreciate your signing both copies of the receipt and returning one copy to us.

Again, AMPAC was pleased to provide this contribution, and is hopeful of your reelection in November 1986. I would like to again suggest that you be sure to express your appreciation to the physicians in your District who, by their support to AMPAC, made this contribution possible.

Sincerely,

Peter B. Lauer
Executive Director

Enclosures (2)

cc: Jack R. Hotaling, Assistant Director/Assistant Treasurer
William Stone, Regional Political Director, AMPAC
Julie Raymond, Executive Secretary, MINNPAC
Federal Election Commission, Washington, D.C.

99+

May Period

EXHIBIT B

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 1 of 2 Pages

Name of Committee (in Full)	I.D. No.
American Medical Assn. Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Viewpoint, Inc. 300 North Washington St. Suite 305 Alexandria, VA 22314	Survey Research	5-7-86	$5,200.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consulting Fee	5-12-86	3,500.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Cynthia Newman & Associates 1640 E. Polnell Road Oak Harbor, WA 98277	Opposition Research	5-13-86	4,000.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Consulting Fee	5-14-86	18,336.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consultant Travel	5-28-86	1,366.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Consulting & Media Fees	5-30-86	3,556.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation consultation concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination distribution or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agents.

Signature

6/20/86
Date

Subscribed and sworn to before me this 20th day of June 1986

My Commission expires
My Commission Expires October 14, 1988

NOTARY PUBLIC

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May Period

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
American Medical Assn. Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Medical Assn. 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consulting Fee (AO 1984-37)	5-8-86	$1,400.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Cynthia Newman & Associates 1640 E. Polnell Road Oak Harbor, WA 98277	Opposition Research	5-13-86	4,000.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Research Strategy Management Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Plan, Media & Consulting Fees	5-30-86	13,000.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Friedman Marketing 25130 Southfield Road, #200 Southfield, MI 48075	Research	5-27-86	700.00	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$55,058.00	
(b) SUBTOTAL of Unitemized Independent Expenditures	$ 0.00	
(c) TOTAL Independent Expenditures		$ 55,058.00

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature: Jack K. Stalcup Date: 6/20/86

Subscribed and sworn to before me this 20th day of June, 1986

My Commission expires ...

Clara E. Sutton
NOTARY PUBLIC

My Commission Expires October 17, 1988

1

JUNE 1986

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Research Strategy Management, Inc. 8400 Corporate Dr. Landover, MD 20785	Billboards	6-6-86	$13,829.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive Landover, MD 20785	Management and Media Fees	6-19-86	4,000.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter St. San Francisco, CA 94104	Consultant Fee	6-23-86	2,333.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
American Viewpoint, Inc. 300 N. Washington St. Alexandria, VA 22314	Benchmark Survey	6-30-86	7,500.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultants Fee (AO-1984-37)	6-30-86	1,700.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter St. San Francisco, CA 94104	Consulting Fee	6-23-86	2,334.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication, in whole or in part, of any campaign materials prepared by the candidate, his campaign committee, or their agent.

_____ _____

Signature Date

Subscribed and sworn to before me this 15th day of June, 19 86

My Commission expires _____

Susan M. Smith

NOTARY PUBLIC

My Commission Expires January 31, 1988

1

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): American Medical Assn. Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Well Dunn Catering, Inc. 513 Morse St., N.E. Washington, D.C. 20002	Consultants Meeting Luncheon	6-6-86	$ 474.25	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive Landover, MD 20785	Plan Fee, Billboard Printing	6-9-86	6,986.98	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive Landover, MD 20785	Consultant Fee	6-19-86	1,515.75	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Charlton Research Company 140 Sutter St. San Francisco, CA 94104	Consultant Fee	6-23-86	2,333.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Michael D. Meyers Company, Inc. 415 W. Foothill Claremont, CA 91711	Consultants Meeting, Travel Expenses	6-27-86	1,151.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consultants Fee (AO-1984-37)	6-30-86	1,700.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . . . $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures . . . . . $ _____

(c) TOTAL Independent Expenditures . . . . . $ _____

Under penalty of perjury I certify that the independent expenditures reported are or were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not involve the financing of dissemination, distribution or republication, in whole or in part, of any campaign materials prepared by the candidate, his campaign committee, or their agents.

_____ _____
Signature Date

Subscribed and sworn to before me this 12th day of _____, 19__

My Commission expires _____

_____
NOTARY PUBLIC

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
T.P. Curtis Associates, Ltd. 207 Stephanie Lafayette, LA 70503	Conduct of Focus Group Research	6-4-86	$ 900.00	Margaret Lowenthal (D) House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
Jack R. Hotaling 1101 Vermont Ave., NW Washington, D.C. 20005	Focus Group Research Travel-Expenses	6-11-86	98.34	Margaret Lowenthal (D) House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
T.P. Curtis Associates, Ltd. 207 Stephanie Lafayette, LA 70503	Conduct of Focus Group Research	6-23-86	938.72	Margaret Lowenthal (D) House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
Jack R. Hotaling 1101 Vermont Ave., NW Washington, D.C. 20005	Focus Group Research Travel Expenses	6-11-86	98.34	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
Friedman Marketing / Jackson 25130 Southfield Rd. Southfield, MI 48075	Conduct of Focus Group Research	6-23-86	1,330.00	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ 49,522.38

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

_____ _____
Signature Date

Subscribed and sworn to before me this 10th day of June, 19 86

My Commission expires _____

_____
NOTARY PUBLIC

My Commission Expires January 31, 1991

JULY 1986

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Page 1 of 8 Pages

Name of Committee (In Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Polly Graham & Associates 110 Office Park Drive Suite 208 Birmingham, AL 35223	Conduct of Focus Group Research	7-11-86	$ 600.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
J. Buckley & Associates, Inc. 220 I Street, N.E. Suite 120 Washington, D.C. 20002	Focus Group Research Travel Expenses	7-14-86	381.10	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Fee (AO-1984-37)	7-31-86	750.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street, #301 San Francisco, CA 94104	Consulting Fee	7-9-86	2,333.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Cynthia Newman & Associates 1640 East Polnell Road Oak Harbor, WA 98277	Opposition Research	7-9-86	1,552.88	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Michael D. Meyers Company, Inc. 415 W. Foothill, #118 Claremont, CA 91711	Consultant Fee	7-9-86	5,000.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the funding of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 8/19/86

Subscribed and sworn to before me this 19th day of Aug., 19 86

My Commission expires 8-14-87

NOTARY PUBLIC _____

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Research Strategy Management 8400 Corporate Drive, #506 Landover, MD 20785	Billboard Production	7-9-86	$ 955.78	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose
Research Strategy Management 8400 Corporate Drive, #506 Landover, MD 20785	Management, Media and Courier Fees	7-23-86	4,045.25	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose
American Viewpoint, Inc. 300 North Washington St. Suite 305 Alexandria, VA 22314	Benchmark Survey	7-31-86	5,200.00	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose
American Viewpoint, Inc. 300 North Washington St. Suite 305 Alexandria, VA 22314	Benchmark Survey Presentation Expenses	7-25-86	725.83	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Travel	7-29-86	763.15	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose
Peter B. Lauer 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-23-86	589.62	David Williams (R) House Candidate 9th C.D. California ☑ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the ordering of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agents.

Peter B. Lauer 8/19/86
Signature Date

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires 8-4-87

Billie Fox Dan
NOTARY PUBLIC

1

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Lynn Baxter 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Research Expenses	7-25-86	$ 11.90	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Jack Hotaling 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	69.90	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Craig Tounget 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	118.70	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Billie Roogow 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	84.30	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Susan Johnston 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	66.85	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Kathy Gavett 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	59.79	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . . . $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures . . . . . $ _____

(c) TOTAL Independent Expenditures . . . . . $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agents.

Robert L. Weiss — 8/20/86
Signature — Date

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires: 8-14-90

NOTARY PUBLIC

1

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (Month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Lori M. Schor 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-29-86	$ 142.95	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultants Fee (AO-1984-37)	7-31-86	3,560.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street, #301 San Francisco, CA 94104	Consulting Fee	7-9-86	2,333.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Viewpoint, Inc. 300 North Washington St. Suite 305 Alexandria, VA 22314	Benchmark Survey Presentation Expenses	7-25-86	725.83	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Travel	7-29-86	411.15	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Peter B. Lauer 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-23-86	589.62	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation consultation concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee or their agent.

Signature _____ Date 8/19/86

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires 8-14-89

NOTARY PUBLIC

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SUL 8 8

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Lynn Baxter 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Research Expenses	7-25-86	$ 11.90	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Jack Hotaling 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	69.91	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Susan Johnston 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	66.85	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Billie Roogow 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-25-86	84.30	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Kathy Gavett 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-28-86	59.78	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Cynthia Newman & Associates 1640 East Polnell Road Oak Harbor, WA 98277	Opposition Research	7-9-86	1,575.01	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 8/19/86

Subscribed and sworn to before me this 19th day of August, 1986.

My Commission expires 8-14-87

NOTARY PUBLIC

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Michael D. Meyers Company, Inc. 415 W. Foothill, Suite 118 Claremont, CA 91711	Consultant Fee	7-9-86	$ 5,000.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Peter B. Lauer 1101 Vermont Ave., N.W. Washington, D.C. 20005	AMPAC Staff Consultant Travel Expenses	7-14-86	434.18	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Consultant, Media and Courier Fees	7-25-86	3,869.25	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Media Production	7-25-86	10,250.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Television Programming	7-28-86	69,780.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Fee (AO-1984-37)	7-31-86	3,320.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the funding of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committees, or their agents.

Signature

8/19/86
Date

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires 8-14-87

NOTARY PUBLIC

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(Use Reverse Side for Continuation)

Name of Committee (in Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Travel Expenses	7-8-86	$ 126.05	Margaret Lowenthal (I House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates, Inc. 220 I Street, N.E. Washington, D.C. 20002	Focus Group Research Travel Expenses	7-14-86	381.10	Margaret Lowenthal (I House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates, Inc. 220 I Street, N.E. Washington, D.C. 20002	Copier & Courier Expenses	7-28-86	68.58	Margaret Lowenthal (I House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
American Medical Association 535 North Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant Travel Expenses	7-8-86	126.05	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
J. Buckley & Associates, Inc. 220 I Street, N.E., #120 Washington, D.C. 20002	Focus Group Research Travel Expenses	7-14-86	381.10	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street, #301 San Francisco, CA 94104	Consultant Fee	7-9-86	2,334.00	Richard Snelling (R) Senate Candidate Vermont ☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$
(b) SUBTOTAL of Unitemized Independent Expenditures	$
(c) TOTAL Independent Expenditures	$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorizing committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign material prepared by the candidate, his campaign committees or their agents.

Signature Date

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires 8-14-87

NOTARY PUBLIC

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Cynthia Newman & Associates 1640 Folnell Road Oak Harbor, WA 98277	Opposition Research	7-9-86	$ 2,225.00	Richard Snelling (R) Senate Candidate Vermont ☐ Support ☐ Oppose
Michael D. Meyers Company, Inc. 415 W. Foothill, #118 Claremont, CA 91711	Consultant Fee	7-9-86	7,500.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
Michael D. Meyers Company, Inc. 415 W. Foothill, #118 Claremont, CA 91711	Production and Postage of Mailer	7-28-86	18,294.38	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
2.				☒ Support ☐ Oppose
3.				☒ Support ☐ Oppose
4.				☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$
(b) SUBTOTAL of Unitemized Independent Expenditures	$
(c) TOTAL Independent Expenditures	$ 157,028.04

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature

Date

Subscribed and sworn to before me this 19th day of Aug., 1986

My Commission expires 8-14-90

NOTARY PUBLIC

AUGUST 1986

FEC FORM 8

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 9 Pages

(See Reverse Side for Instructions)

Name of Committee (in Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Polly Graham & Assoc., Inc. One Ten Office Park Dr. Suite 306 Birmingham, AL 35223	Conduct of Focus Group Research	8-7-86	$ 1,675.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
Jack R. Hotaling 1101 Vermont Ave., NW Washington, DC 20005	AMPAC Staff Consultant travel expenses	8-8-86	154.83	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
J. Buckley & Assoc., Inc. 220 I Street, NE Suite 120 Washington, DC 20002	Radio Programming	8-15-86	9,910.48	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
J. Buckley & Assoc., Inc. 220 I Street, NE Suite 120 Washington, DC 20002	Phone, delivery and transcription expenses	8-18-86	354.10	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
J. Buckley & Assoc., Inc. 220 I Street, NE Suite 120 Washington, DC 20002	Consultant fee	8-19-86	5,000.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
J. Buckley & Assoc, Inc. 220 I Street, NE Suite 120 Washington, DC 20002	Consultant fee	8-26-86	3,333.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$

Under penalty of perjury I certify that the independent expenditures reported here were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication, in whole or in part, of any campaign materials prepared by the candidate, his campaign committee, or their agents.

Jack R. Hotaling — Signature

9/17/86 — Date

Subscribed and sworn to before me this 19th day of Sept 1986

My Commission expires 5-14-87

Phillis Powell — NOTARY PUBLIC

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SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Medical Association 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-28-86	$ 590.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-28-86	220.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant fee (AO-1984-37)	8-31-86	1,000.00	Richard Shelby (D) Senate Candidate Alabama ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consultant travel expenses	8-4-86	290.20	David Williams (R) House Canidate 9th C.D. California ☒ Support ☐ Oppose
Cynthia Newman & Assoc. 1640 E. Polnell Road Oak Harbor, WA 98277	Opposition Research travel expenses	8-5-86	277.56	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Dr., Suite 506 Landover, MD 20785	Consultant travel expenses	8-7-86	526.68	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures . . . . . $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures . . $ _____

(c) TOTAL Independent Expenditures . . . . . $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 9/11/86

Subscribed and sworn to before me this 19th day of September 1986

My Commission expires 8-14-87

NOTARY PUBLIC _____

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SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & Office Sought
Research Strategy Management Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Printing and production of direct mail package	8-13-86	$ 8,750.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Copsultant fee	8-18-86	2,333.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Rockville Mailing House 711 Gude Drive Rockville, MD 20850	Mailing cost for Direct Mail Package	8-26-86	6,380.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Research Strategy Management Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Management and media fees	8-26-86	9,022.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant fee (AO-1984-37)	8-31-86	1,700.00	David Williams (R) House Candidate 9th C.D. California ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consultant travel expenses	8-4-86	290.19	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature: [signature] Date: 9/19/86

Subscribed and sworn to before me this 19 day of Sept, 1986

My Commission expires 2-14-91

NOTARY PUBLIC [signature]

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SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & Zip Code of Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Medical Association 535 N. Dearborn Street Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-5-86	$ 188.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Cynthia Newman & Assoc. 1640 E. Polnell Rd. Oak Harbor, WA 98277	Opposition Research travel expenses	8-5-86	275.95	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Consultant travel expenses	8-7-86	526.68	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Peter B. Lauer 1101 Vermont Ave., NW Washington, D.C. 20005	AMPAC Staff Consultant travel expenses	8-7-86	411.58	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-7-86	350.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Jack R. Hotaling 1101 Vermont Ave., NW Washington, DC 20005	AMPAC Staff Consultant travel expenses	8-8-86	124.25	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature: [signature] Date: 4/17/86

Subscribed and sworn to before me this 17th day of Sept. 1986

My Commission expires 8-14-87

NOTARY PUBLIC: [signature]

1

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Research Strategy Management Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Bumper Strips	8-13-86	$ 9,814.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-15-86	158.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consultant fee	8-18-86	2,333.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Rockville Mailing House 711 Gude Drive Rockville, MD 20850	Mailing cost for Direct Mail Package	8-26-86	6,380.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
American Viewpoint, Inc. 300 North Washington Street Suite 305 Alexandria, VA 22314	Benchmark Survey "	8-26-86	4,920.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Drive, #506 Landover, MD 20785	Management and Media fees; Consultant travel; courier	8-26-86	4,117.25	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 9/19/86

Subscribed and sworn to before me this 19th day of Sept. 1986

My Commission expires 8-14-87

Notary Public

1

2 3 7 0 2 4 3 7 0 8 2 1 4

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(Use Reverse Side for Additional)

Name of Committee (In Full)

American Medical Association Political Action Committee

I.D. No. C 00000 422

Full Name, Mailing Address & Zip Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the Independent Expenditure
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant fee (AO-1984-37)	8-31-86	$ 2,550.00	Jim Eynon (R) House Candidate 10th C.D. Indiana ☒ Support ☐ Oppose
J. Buckley & Associates 220 I Street, NE Suite 120 Washington, D.C. 20002	Television Programming	8-15-86	23,067.74	Margaret Lowenthal (I House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates 220 I Street, NE Suite 120 Washington, D.C. 20002	Consultant fee	8-19-86	5,000.00	Margaret Lowenthal (House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates 220 I Street, NE Suite 120 Washington, D.C. 20002	Consultant travel expense; copying and delivery expense	8-26-86	1,711.60	Margaret Lowenthal (House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates 220 I Street, NE Suite 120 Washington, D.C. 20002	Consultant fee	8-26-86	3,333.00	Margaret Lowenthal (House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates 220 I Street, NE Suite 120 Washington, D.C. 20002	Consultant travel expenses; Production costs	8-28-86	7,996.55	Margaret Lowenthal (House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the rendering of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 7/17/86

Subscribed and sworn to before me this 19th day of July, 1986

My Commission expires 8-14-87

NOTARY PUBLIC

3367 0134 0350 4832 2

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (In Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & Zip Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-28-86	$ 264.50	Margaret Lowenthal (D) House Candidate 7th C.D. Louisiana ☒ Support ☐ Oppose
J. Buckley & Associates, Inc 220 I St., NE Suite 120 Washington, D.C. 20002	Consultant fee	8-19-86	5,000.00	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
J. Buckley & Associates, Inc 220 I St., NE Suite 120 Washington, D.C. 20002	Consultant fee	8-26-86	3,334.00	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-28-86	264.50	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
J. Buckley & Associates, Inc. 220 I Street, NE Suite 120 Washington, D.C. 20002	Television Buy	8-29-86	14,991.00	Wayne Dowdy (D) House Candidate 4th C.D. Mississippi ☒ Support ☐ Oppose
Starr Marketing Research 5 Burlington Square Burlington, VT 05401	Conduct of Focus Group Research	8-1-86	600.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not involve the financing of dissemination, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agent.

Signature _____ Date 9/19/86

Subscribed and sworn to before me this 19th day of Sept., 1986

My Commission expires 8-14-87

NOTARY PUBLIC

SCHEDULE E

ITEMIZED INDEPENDENT EXPENDITURES

(See Reverse Side for Instructions)

Name of Committee (in Full): American Medical Association Political Action Committee

I.D. No.: C 00000 422

Full Name, Mailing Address & ZIP Code of Person Making Expenditure	Purpose of Expenditure	Date Incurred (mo., day, year)	Amount	Name of Federal Candidate Supported or Opposed by the Expenditure & Office Sought
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-7-86	$ 37.66	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60610	AMPAC Staff Consultant travel expenses	8-7-86	350.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
Jack R. Hotaling 1101 Vermont Ave., NW Washington, D.C. 20005	AMPAC Staff Consultant travel expenses	8-8-86	108.94	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Media Production	8-14-86	595.00	Richard Snelling (R Senate Candidate Vermont ☒ Support ☐ Oppose
Research Strategy Management, Inc. 8400 Corporate Dr., #506 Landover, MD 20785	Media Production Time Buy	8-14-86	24,846.48	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
Charlton Research Company 110 Sutter Street Suite 301 San Francisco, CA 94104	Consultant fee	8-18-86	2,334.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures ..... $ _____

(b) SUBTOTAL of Unitemized Independent Expenditures ..... $ _____

(c) TOTAL Independent Expenditures ..... $ _____

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of dissemination, distribution or republication, in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or their agents.

Signature _____ Date _____

Subscribed and sworn to before me this 19th day of August, 1986

My Commission expires 8 14 87

NOTARY PUBLIC

SCHEDULE B

ITEMIZED INDEPENDENT EXPENDITURES

(Use Reverse Side for Additional)

Name of Committee (In Full)	I.D. No.
American Medical Association Political Action Committee	C 00000 422

Full Name, Mailing Address & Zip Code of Each Payee	Purpose of Expenditure	Date (Month, Day, Year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Starr Marketing Research, Inc. 5 Burlington Square Burlington, VT 05401	Conduct of Focus Group Research	3-26-86	$ 1,650.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
American Medical Association 535 N. Dearborn St. Chicago, IL 60510	AMPAC Staff Consultant fee	3-31-86	500.00	Richard Snelling (R) Senate Candidate Vermont ☒ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose

(a) SUBTOTAL of Itemized Independent Expenditures	$	
(b) SUBTOTAL of Unitemized Independent Expenditures	$	
(c) TOTAL Independent Expenditures		$ 179,940.72

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore these expenditures did not involve the financing of a solicitation, distribution, or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committees, or their agents.

Signature — Date: 9/15/86

Subscribed and sworn to before me this 15th day of April, 1986

My Commission expires 8-14-87

NOTARY PUBLIC

1

8704065599

EXHIBIT C

08/18/86 08:45 415 273 6757 STARK/HAYWARD NO 002



DAVE WILLIAMS
FOR CONGRESS

Dave Williams will support President Reagan in the war against drug smuggling.

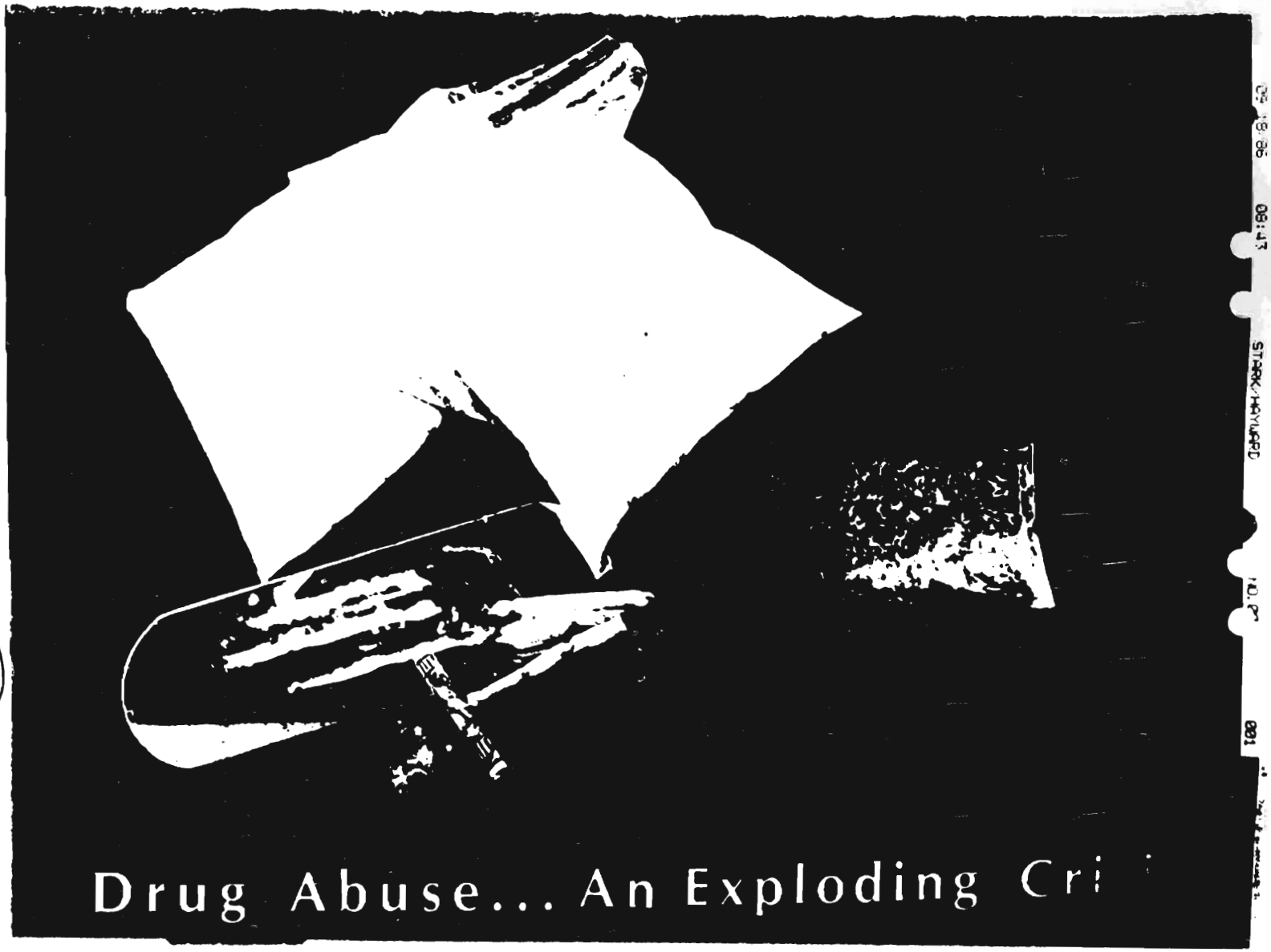
Bulk Rate
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AMPAC

CAR-RT PRESORT **CR55
THE MCHUGH FAMILY
7767 CANTERBURY LN
DUBLIN, CA 94568



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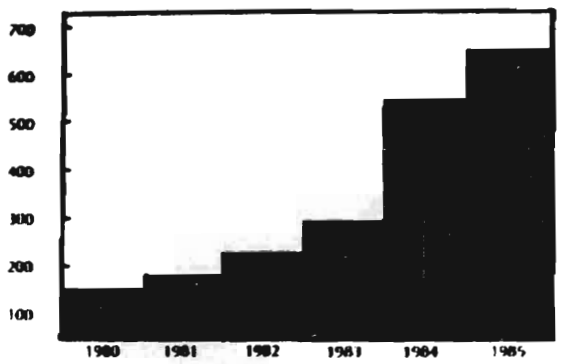
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09 18 86 08:43 415 273 6357 STARK/HAYWARD PG.01

3 7 0 4 0 3 5 4 6 0 1

One of the most serious problems facing the communities of our 9th Congressional District is drug abuse.

OVERDOSE DEATHS DUE TO COCAINE





- Sales in the United States of illegal drugs total $100 BILLION a year — more than the total net sales of General Motors!
- Since 1980 overdose deaths from cocaine have increased nearly 600%.
- Of all the illegal drugs produced world-wide, 60% are used by Americans.
- Since 1980 the amount of cocaine smuggled into the United States has risen from 25 TONS a year to 125 TONS a year.
- One third of all inmates in federal prisons were sentenced for crimes involving drugs.
- According to the National Institute on Drug Abuse, approximately 4.2 million Americans use cocaine each month.
- Every day in the United States nearly 2,000 people are arrested on drug charges.





09 19 86 08:46 415 273 6557 STARK/HAYWARD 001
NO. 003

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s facing the communities is drug abuse.

: United States of illegal drugs total $100 BILLION a re than the total net sales of General Motors!

overdose deaths from cocaine have increased nearly

legal drugs produced world-wide, 60% are used by

the amount of cocaine smuggled into the United isen from 25 TONS a year to 125 TONS a year.

of all inmates in federal prisons were sentenced for lving drugs.

to the National Institute on Drug Abuse, approx- million Americans use cocaine each month.

the United States nearly 2,000 people are arrested rges.





Here's what Congress can help stop the influx of dru our communities and our s

- The federal government can accelerate its effor to k from entering this country by doubling the b..der states such as California, Florida and Texas; by surveillance and seizure ability of the United tes improving the efforts of Customs agents at major ai points of entry, and by strengthening the powers of Enforcement Administration.
- Congress should enact stiffer penalties for drug pushers. For repeat offenders sentences should be wi of parole. Congress shou d also establish a unif sentence for first time offenders. Finally, Congress sh pointment of tough judges who will impose sen
- Congress needs to support educational programs in outline the dangers of drug abuse and explain the cri Our children need to be encouraged to resist , er p programs such as the model project "Just Say No"
- Federally funded hospitals and drug treatment cente less than 10% of the nation's drug addicts. Congres these drug recovery and rehabilitation programs for are trying to kick their addiction.

As a Congressman, Dave Willia work to stem the flow of drugs

8704065263





Here's what Congress can do to help stop the influx of drugs into our communities and our schools.

- The federal government can accelerate its efforts to keep illegal drugs from entering this country by doubling the border patrol in critical states such as California, Florida and Texas; by reinforcing the surveillance and seizure ability of the United States Coast Guard; by improving the efforts of Customs agents at major airports and other points of entry, and by strengthening the powers of the federal Drug Enforcement Administration.

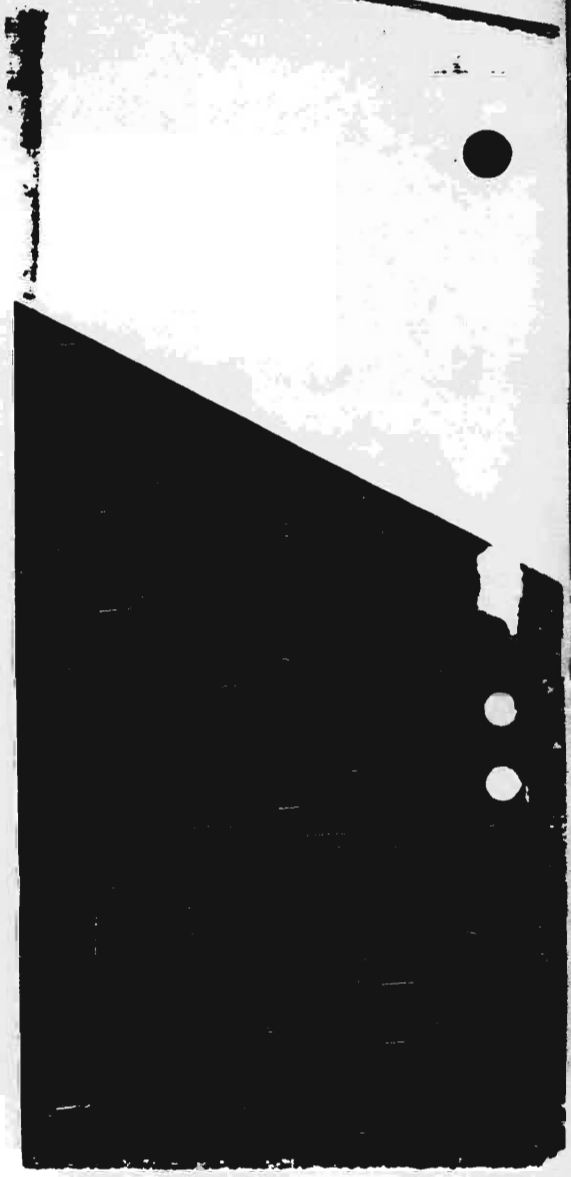
- Congress should enact stiffer penalties for drug smugglers and pushers. For repeat offenders sentences should be without possibility of parole. Congress should also establish a uniform mandatory sentence for first time offenders. Finally, Congress should support appointment of tough judges who will impose stiff sentences.

- Congress needs to support educational programs in our schools that outline the dangers of drug abuse and explain the criminal penalties. Our children need to be encouraged to resist peer pressure through programs such as the model project "Just Say No."

- Federally funded hospitals and drug treatment centers currently serve less than 10% of the nation's drug addicts. Congress should expand these drug recovery and rehabilitation programs for those users who are trying to kick their addiction.

As a Congressman, Dave Williams will work to stem the flow of drugs into our communities.

09/18/86 08:49 415 273 6357 STARK HAYWARD NO. 004 001



RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

06 OCT 29 A9:11

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

RESPONDENTS: California Medical Association
American Medical Association
California Medical Political Action Committee and Donald Gartman, as treasurer
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer
Williams for Congress Committee and David M. Williams, as treasurer

MUR NO.: 2272
DATE TRANSMITTED TO COMMISSION: _____
STAFF: Reilly

COMPLAINANT: Congressman Pete Stark

3704552604

SUMMARY OF ALLEGATIONS

The complainant alleges that the American Medical Association; the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; the California Medical Association; the California Medical Political Action Committee and Donald Gartman, as treasurer; have made excessive in-kind contributions, in violation of 2 U.S.C. § 44la, to the Williams for Congress Committee under the guise of independent expenditures. Additionally, the complaint alleges the Williams Committee accepted these alleged excessive contributions, in violation of 2 U.S.C. § 44la(f).

PRELIMINARY LEGAL ANALYSIS

The Office of the General Counsel's initial review of the complaint reveals violations of 2 U.S.C. §§ 44la(a)(2)(A) and 44la(f) may have occurred if expenditures said to have been independent, were, in fact, coordinated expenditures (and thus

excessive in-kind contributions).

Accordingly, the respondents must be given an opportunity to respond to the allegations before the Office of the General Counsel makes recommendations regarding this matter. Upon receipt of the responses or upon the expiration of the response time, this Office will report to the Commission on this matter.

Charles N. Steele
General Counsel

10/28/86
Date

BY: Lawrence M. Noble
Deputy General Counsel

87040655260 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel RD

DATE: October 29, 1986

SUBJECT: MUR 2272 - Expedited First G.C.'s Rpt.

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

Open Session _____

Closed Session _____

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

PINK PAPER.

3

8704052606

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Pete Stark
Pete Stark Re-election Committee
PO Box 5303
Oakland, CA 94605

RE: MUR 2272

Dear Mr. Stark:

This letter is to acknowledge receipt of your complaint on October 27, 1986, against the American Medical Association Political Action Committee and Mr. Peter B. Lauer as treasurer, the California Medical Political Action Committee and Dr. Donald Gartman as treasurer, the Williams For Congress Committee and Mr. David M. Williams as treasurer, the American Medical Association, and the California Medical Association, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. 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. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure

4a

8704052607

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

California Medical Association
44 Gaugh Street
San Francisco, CA 94103

RE: MUR 2272

Gentlemen:

This letter is to notify you that on October 27, 1986, the Federal Election Commission received a complaint which alleges that the California Medical Association has 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 2272. 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 California Medical Association in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

8704065260 8

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

8704052609

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

American Medical Association
1101 Vermont Avenue, NW
Washington, DC 20005

RE: MUR 2272

Gentlemen:

This letter is to notify you that on October 27, 1986, the Federal Election Commission received a complaint which alleges that the American Medical Association has 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 2272. 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 American Medical Association in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

3704035260

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

87040652611

4c

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

David M. Williams, Treasurer
Williams For Congress Committee
1560 Kingsport Avenue
Livermore, CA 94550

RE: MUR 2272

Dear Mr. Williams:

This letter is to notify you that on October 27, 1986, the Federal Election Commission received a complaint which alleges that the Williams For Congress Committee and you, as treasurer, 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 2272. 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 you and the Williams For Congress Committee in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

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8704065262

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

cc: Mr. Dave Williams

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3704055261 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Dr. Donald Gartman, Treasurer
California Medical PAC
44 Gaugh Street
San Fransisco, CA 94103

RE: MUR 2272

Dear Dr. Gartman:

This letter is to notify you that on October 27, 1986, the Federal Election Commission received a complaint which alleges that the California Medical PAC and you, as treasurer, 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 2272. 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 you and the California Medical PAC in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

4e

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

2704065261 3

4a

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 29, 1986

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Peter B. Lauer, Treasurer
American Medical Association PAC
1101 Vermont Avenue, NW
Washington, DC 20005

RE: MUR 2272

Dear Mr. Lauer:

This letter is to notify you that on October 27, 1986, the Federal Election Commission received a complaint which alleges that the American Medical Association PAC and you, as treasurer, 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 2272. 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 you and the American Medical Association PAC in connection with this matter. You may respond to the allegations within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by mailgram. If no response is filed within the 15 day statutory period, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

4f

3704065261

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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notification and other communications from the Commission.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Envelope

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GCC 1886
Reilly

BEFORE THE
FEDERAL ELECTION COMMISSION

Pete Stark Complainant v. AMERICAN MEDICAL ASSOCIATION, AMERICAN MEDICAL ASSOCIATION POLITICAL ACTION COMMITTEE, et al. Respondent	MUR 2272

RECEIVED
FEDERAL ELECTION
GENERAL COUNSEL
96 OCT 30 P12:00

MOTION TO RECUSE

Complainant respectfully requests that Commissioner Lee Ann Elliott recuse herself from participation in the above-captioned matter in light of her prior affiliation with respondents American Medical Association ("AMA") and the AMA's separate segregated fund, the American Medical Association Political Action Committee ("AMPAC"). Specifically, Commissioner Elliott served as AMPAC's Assistant Director from 1961-1970 and its Associate Executive Director from 1970-1979 (including the time period when AMA and AMPAC were subject to an extensive investigation by the Commission -- see MURs 253, 253A, 289, 302, 369 and 618). Clearly, Commissioner Elliott's eighteen-year relationship with the AMA and AMPAC creates an irrebuttable presumption of bias on the part of Commissioner Elliott toward respondents AMA and AMPAC, rendering it impossible for Commissioner Elliott to make impartial judgments

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on this matter.

Therefore, complainant moves that Commissioner Lee Ann Elliott recuse herself from this matter and take no further part in its proceeding. Further, complainant moves that Commissioner Elliott's decision with respect to this motion to recuse be made public within five days after it has been made, or, alternatively, that the complainant be notified in writing regarding Commissioner Elliott's decision within three days after it has been made.

This motion is filed in good faith and without intent to hinder or delay a fair and unbiased investigation and determination.

Pete Stark

8711052619

STATE OF CALIFORNIA
County of Alameda } ss.

On this 23rd day of October in the year one thousand nine hundred and Eighty-Six before me, Billie B. Merkle, a Notary Public in and for the County of Alameda, State of California, residing therein, duly commissioned and sworn, personally appeared Pete Stark

known to me to be the person whose name subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Alameda the day and year in this certificate first above written.

Billie B. Merkle

Notary Public in and for the County of Alameda
State of California
My Commission Expires Feb. 3, 1989

OFFICIAL SEAL
BILLIE B. MERKLE
NOTARY PUBLIC-CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Feb. 3, 1989

Form No. GA08-005 Acknowledgments

(5)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 4, 1986

MEMORANDUM

TO: Commissioner Elliott

FROM: Charles N. Steele
General Counsel

SUBJECT: Complainant's Request For Your Recusal From Proceedings in MUR 2272

On October 30, 1986 the Office of the General Counsel received the attached "MOTION TO RECUSE" that requests you to recuse yourself from participation in MUR 2272. We recommend that you inform the complainant by letter of your decision and place this letter in the permanent file to become part of the public record.

For your information we have attached copies of documents relating to the proposed recusal and disqualification of Commissioner Harris in MUR 1605. Please advise this Office if we may be of further assistance.

Attachments
1. General Counsel's Memorandum 2/7/84 (5 pages)
2. Answer to Motion to Disqualify Commissioner Harris From Further Proceedings. (21 pages)
3. March 1, 1984 Letter from Commissioner Harris to Complainant (3 pages)
4. Motion to Recuse (3 pages)

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6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: CHARLES N. STEELE
GENERAL COUNSEL
ETHICS OFFICER

FROM: LEE ANN ELLIOTT
COMMISSIONER

DATE: NOVEMBER 6, 1986

SUBJECT: MUR 2272 - MOTION FOR RECUSAL

I request your written opinion on whether I should recuse myself from MUR 2272, in light of Congressman Pete Stark's October 23, 1986 Motion for Recusal.

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RECEIVED THE FEC
GCC#1941
86 NOV 6 A9:11

AMPAC AMERICAN MEDICAL POLITICAL ACTION COMMITTEE

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

BOARD

Thomas R. Berglund, MD
Portage, Michigan
Chairman

Robert C. Loomis, MD
Eugene, Oregon
Secretary

Mrs. Edie Epstein
(B. David)
Key Biscayne, Florida

Joseph L. Hatch, MD
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Fred C. Rainey, MD
Elizabethtown, Kentucky

Randolph D. Smoak, MD
Orangeburg, South Carolina

R. Faser Triplett, MD
Jackson, Mississippi

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

November 5, 1986

86 NOV 6 A11:05
RECEIVED
FEC
GENERAL COUNSEL

Charles N. Steele, General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2272

Dear Mr. Steele:

This letter is to advise you and the Commission that Mr. Leslie Miller will be representing the American Medical Association Political Action Committee in reference to the above cited MUR.

Please address all correspondence to:

Leslie Miller, Esq.
The American Medical Association
535 North Dearborn Street
Chicago, IL 60610
(312)645-4608

Sincerely,

Peter B. Lauer
Executive Director

PBL:law

cc: Leslie Miller, Esq.

AMPAC is a separate segregated fund established by the AMA. Voluntary contributions to AMPAC must be written on Personal Check(s). Contributions from corporations are illegal and will be returned. Contributions are not limited to the suggested amount. Neither AMA nor its constituent state associations will favor or disadvantage anyone based upon the amounts of or failure to make PAC contributions. Voluntary political contributions are subject to the limitations of FEC Regulations Section 110.1 (b) and (k). Federal regulations require this notice.

8

GCC#1940
NE FEC
86 NOV 6 A9:08
RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 6 A11:05

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428
(415) 449-4469

October 31, 1986

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W., Room 613
Washington, D.C. 20463

Re: American Medical Association; American Medical Association Political Action Committee; California Medical Association; California Medical Political Action Committee; and Williams for Congress.

3704015262 3

Dear Mr. Steele:

I have reviewed that undated document which Pete Stark has apparently filed with your office although neither my campaign committee or myself have yet been served with the same. Apparently Congressman Stark's complaint is with the American Medical Association, the California Medical Association and their related PAC's and only peripherally have I been mentioned. The self-serving letter speaks only in tenuous unsubstantiated and conclusionary language and seems to say generally that because the AMA is the AMA and the CMA is the CMA that therefore they must have violated 2 U.S.C. s 431 et seq. and therefore I must have violated the same. The letter goes on to state on page 5 in the "Grounds for Complaint that there is no other reasonable conclusion that can be drawn from the aforementioned facts." In reality a simple reading of the letter discloses no "facts" at all. The facts are as follows:

1. At no time did I, my campaign committee or any agent of mine or my committee, ever reveal to the AMA, the CMA or any Political Action Committee affiliated therewith, any plans, planned expenditures, "needs" or any other information relating to my campaign for office.

2. Neither myself, my campaign committee nor any agent of myself or committee have ever cooperated with or consulted with, directly or indirectly, the AMA, CMA or any Political Action Committee affiliated therewith.

9

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428
(415) 449-4469

3. Neither myself nor my campaign committee nor any agent thereof have ever knowingly solicited or accepted any monies or funds from the AMA, CMA or any Political Action Committee affiliated therewith or any Political Action Committee whatsoever.

Any implication that I have violated any statute or regulation is spurious and untrue. Accordingly, I respectfully submit that a simple reading of Pete Stark's self-serving letter fails to reveal any wrongdoing on behalf of myself or my campaign and the same should be pre-emptorily dismissed.

Respectfully submitted,

David M. Williams
DAVID M. WILLIAMS

Subscribed and sworn to before me, a Notary Public, on this 31st day of October, 1986.

OFFICIAL SEAL
ALICE S. LYONS
NOTARY PUBLIC, CALIFORNIA
COUNTY OF ALAMEDA
My Commission Expires Jan. 23, 1990

Alice S. Lyons
Notary Public

9

Ninth District of Alameda County including all of Alameda, Castro Valley, Dublin, Hayward, Livermore, Pleasanton, San Leandro, San Lorenzo, Sunol, and parts of Oakland and Union City.

RECEIVED BY THE FEC
MCC # 1984
86 NOV 12 A9:33

LAW OFFICES OF
PHILIP N. LYONS
TAYLOR BUILDING, SUITE 101
250 JUANA AVENUE
SAN LEANDRO, CALIFORNIA 94577
TELEPHONE (415) 483-2255

November 7, 1986

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
86 NOV 12 A10:27

Mr. Charles N. Steele, Esq.
General Counsel
Federal Elections Commission
999 E St., N.W. Room 613
Washington D.C.

Re: MUR 2272
Stark/AMA et al and Williams for Congress

Dear Mr. Steele:

With reference to the above entitled matter, please be advised that this office represents David M. Williams and the Williams for Congress Committee. We have received yours of October 29, 1986 referring to the above indicated complaint. We have previously prepared on behalf of Mr. Williams, his response which was forwarded to your office on October 31, 1986. I would appreciate your office confirming receipt of the same.

Insofar as the allegations might relate to Williams for Congress, the complaint appears completely devoid of any factual allegations. Were this a complaint filed in court our immediate response would be to demur for failure to state a cause of action.

Our reply on October 31, 1986 directed to your office states the position of Williams for Congress and the facts as we are aware of them. Aside from the spurious and tenuous conclusionary language of the complaint there is nothing of substance to refute.

If your office wishes a further reply or if we can provide any additional information in this matter please advise. Please direct any further correspondance relating to this complaint to my office. Thank you.

Very truly yours,

PHILIP N. LYONS

PNL/asl
CC: David Williams

10

CCC#1999
RECEIVED AT THE FEC
HAND DELIVERED
86 NOV 13 AM : 36

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

CORPORATE LAW DIVISION

LESLIE J. MILLER
Senior Attorney
645-4608

November 12, 1986

86 NOV 13 P3:33
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

ATTENTION: Mr. Charles N. Steele
General Counsel

Re: MUR 2272

Dear Mr. Steele:

I am writing to you as counsel to the American Medical Association ("AMA") and the American Medical Association Political Action Committee ("AMPAC") in response to your letter of October 29, 1986 regarding the above-referenced MUR.

The AMA and AMPAC believe that the Commission should take no action against either of them in connection with this matter for three reasons. First, many of the allegations in Congressman Stark's complaint are inaccurate and/or misleading. Second, even if all the allegations of the complaint were true, they would not establish a violation of the Federal Election Campaign Act (FECA)[1]. Third, AMPAC's expenditures on behalf of Mr. Williams clearly meet the requirements of Section 301(17) of FECA and the Commission's regulations thereunder.

1. Congressman Stark's complaint contains a number of allegations which are inaccurate and/or misleading, including the following:

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[1]The only exception is the allegation in footnote 13 on page 6 of the complaint that a brochure mailed by AMPAC does not contain the entire disclaimer required by the Commission's regulations. However, the actual brochure, a copy of which is enclosed, does contain the complete disclaimer. Part of the disclaimer is missing on the copy submitted by Congressman Stark due to a failure to photocopy the entire document. I assume that this was a mistake and not a deliberate attempt to mislead the Commission.

11

a. "AMPAC and CALPAC work closely together in organizing the federal political activity of the California medical community, including encouraging AMA and CMA member physicians to become actively involved in local federal campaigns." (page 2)

It is true that AMPAC and CALPAC encourage physicians to become involved in political campaigns. But neither is involved in decisions by individual physicians as to which candidates to support. Physicians make such decisions independently, and often decide to support candidates, such as Congressman Stark, who are not supported by AMPAC. AMPAC staff members have sometimes assisted in the foundation of physicians committees on behalf of specific candidates as in-kind contributions to such candidates, and CALPAC has conducted similar activities on behalf of state and local candidates. But neither AMPAC nor, to the AMA's knowledge, CALPAC made any attempt to coordinate the activities of physicians who may have participated in either Representative Stark's or Mr. Williams' campaigns.

b. "... AMPAC's contributions to, and expenditures on behalf of, federal candidates are based on requests and input from state and local medical PACs, such as CALPAC, and their respective member physicians." (page 2)

It is true that in making decisions as to which candidates to support AMPAC considers input it receives from the state medical PACs and usually (but not always) follows their recommendations regarding contributions to candidates. But decisions regarding whether to make an independent expenditure on behalf of a candidate are made entirely by AMPAC's Board of Directors. The state medical PACs are not consulted regarding such decisions and are not informed when a decision to make an independent expenditure is made.[2]

c. "On numerous occasions, AMPAC has expended funds for benchmark surveys for federal candidates. However,

---

[2]AMPAC does generally notify state medical PACs just prior to the time a specific independent expenditure activity becomes public. This notice, however, is designed only to prevent PAC officials from being taken completely by surprise and giving some advance warning in case questions are asked. It does not involve the state medical PAC in the decision-making process in any way.

until recently, such expenditures have been treated as in-kind contributions to the recipient candidate." (footnote 4, page 3)

When AMPAC gives the results of a benchmark survey to a candidate, the expenditure is reported as an in-kind contribution as required by FECA. Since the results of this survey were not given to Mr. Williams, nor communicated to him in any way, the survey was not an in-kind contribution and was not reported as such.

d. "... it is also virtually certain that CMA members were in contact with Mr. Williams and his committee and agent prior to recommending that AMPAC launch an extensive expenditure campaign on behalf of Mr. Williams..." (page 5)

Whether any physician had contact with the Williams campaign is entirely conjecture since Congressman Stark presents no evidence that this was the case, and neither the AMA nor AMPAC has any knowledge regarding any such contract. In any case, this point is entirely irrelevant since no physician communicated any information regarding the Williams campaign to AMPAC, and no California physician (other than David B. Horner, M.D., a member of AMPAC's Board of Directors) was aware of or participated in any way in the decision to make the independent expenditures on behalf of Congressman Williams.

e. "... by availing[3] themselves and ultimately AMPAC of the needs and plans of the Williams campaign (and possibly even consulting with the campaign regarding direct mail programs, the results of sur- veys, etc.) CMA and CALPAC clearly have vitiated the right of their affiliate AMPAC to make independent expenditures on behalf of Mr. Williams." (page 5)

It is certain that CMA and CALPAC did not consult with the Williams campaign regarding any direct mail programs or surveys connected with the AMPAC independent expenditures because neither CMA

[3]It is difficult to understand how CMA and CALPAC could "avail themselves" of the needs and plans of the Williams campaign since CMA and CALPAC are involved only in state and local campaigns and do not make contributions to or expenditures on behalf of federal candidates.

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nor CALPAC knew that a survey or direct mail programs was planned or had access to the results of the survey. Beyond this, neither the AMA nor AMPAC has any knowledge regarding what, if any, contact occurred between the CMA or CALPAC and the Williams campaign, or what, if any, information the CMA or CALPAC had concerning the needs and plans of the Williams campaign. Mr. Stark's complaint provides no evidence that CMA or CALPAC had any contact with the Williams campaign or any information regarding its needs and plans. In any event, this is irrelevant since any information CMA or CALPAC might have had was not communicated to AMPAC and did not provide a basis for AMPAC's independent expenditures.

2. Even if all the allegations in Congressman Stark's complaint were true, they would not establish a violation of FECA.

Section 301(17) of FECA defines the term independent expenditures 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 concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate."

Congressman Stark's complaint does not allege any facts which would establish that AMPAC's expenditures on behalf of Mr. Williams were not independent. The complaint does not allege that there was any communication, cooperation, or consultation between AMPAC and Mr. Williams or any of his authorized committees or agents. It is true, as the complaint states, that the Commission's regulations presume that an expenditure is not independent if it is based on information provided by the candidate or his agents or is made by or through any person authorized by the candidate to raise or expend funds. But the complaint does not allege that AMPAC received any information from Mr. Williams or his agents or made any expenditure through any person having any connection with the Williams campaign.

The complaint presents basically two charges. The first consists of speculation that CMA, CALPAC and unidentified California physicians might have had contact with the Williams campaign. Even if true, this would be irrelevant. There is nothing in FECA or the

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Commissions regulations which imputes information regarding a campaign between affiliates or provides that a political committee cannot make independent expenditures on behalf of a candidate because of cooperation between an affiliated committee and the candidate.[4] The Commission's regulations treat affiliated committees as a single committee only for purposes of the contribution limitations and transfers of funds and not for any other purpose.

The second charge is that the expenditures on behalf of Mr. Williams are not independent because they were made through three political consultants which are retained by the National Republican Congressional Committee ("NRCC") for unspecified projects. According to the complaint, these consultants "apparently have in-depth knowledge of the needs and plans of Republican Congressional candidates, such as Mr. Williams..." This is entirely speculative, however, and the complaint provides no evidence that any of the consultants had any knowledge of the needs or plans of the Williams campaign. Furthermore, there is nothing in the Commission's regulations which prohibits using generalized information about the needs of Republican candidates in making an independent expenditure. What is prohibited is basing an independent expenditure on information about the specific needs and plans of the supported candidate which has been obtained from that candidate or his authorized committees or agents. The complaint does not allege that such prohibited conduct occurred. Furthermore, the complaint does not allege that any of the consultants used by AMPAC are agents of Mr. Williams or were authorized to raise or expend funds on behalf of his campaign, or that the projects on which such consultants have worked for the NRCC are in any way related to the Williams campaign.

The complaint cites no authority for its assertion that the NRCC is an agent of Williams for Congress. Section 109.1(b)(5) of the Commission's regulations define agent as:

---

[4]It should be noted that whether AMPAC and CALPAC are affiliates is an open question. In the Conciliation Agreement dated November 9, 1979, AMPAC agreed not to challenge the Commission's allegations that it and the state medical PACs are affiliates with regard to aggregating contributions to candidates. AMPAC did not, however, admit that such allegations were true and does not do so now.

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> "... any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures."

Although this definition is not entirely clear, it appears to be limited to persons who are authorized by the candidate to make expenditures of funds under the candidate's control. The NRCC is authorized by Section 315(d)(3) of FECA and Section 110.7(b)(1) of the Commission's regulations to make expenditures "in connection with" Mr. Williams' campaign. But such expenditures would not appear to be expenditures which the NRCC is "authorized" to make "on behalf of" Mr. Williams within the meaning of the definition of agent in the Commission's regulations.

The conclusion that a party committee is not an agent of a candidate is also supported by AO 1979-80, 1 Fed. Elec. Camp. Fin. Guide (CCH) para. 5469 (1980). Answer 8 of that opinion states that, "depending upon the communications NCPAC has with the Republican party committee in state A and the party committee's relationship with the Republican candidate, NCPAC could be precluded form then making independent expenditures in the general election in state A." (emphasis added). If the party committee were automatically an agent of the candidate, its actual relationship with the candidate would not have been pertinent.

In any event, whether the NRCC is an agent of the Williams campaign is not relevant since the complaint does not allege that any of AMPACs independent expenditures were made by or through the NRCC or that either AMPAC or any of its consultants had any communications with the NRCC regarding the Williams campaign.

3. It is not surprising that Congressman Stark has failed to demonstrate a violation of FECA since AMPACs expenditures on behalf of Mr. Williams clearly meet the requirements for an independent expenditure in Section 301(17) of FECA and Part 109 of the Commissions' regulations.

AMPAC has established strict procedures to insure that all of its independent expenditures, including those on behalf of Mr. Williams, conform to the legal requirements. All members of the AMPAC Board of Directors and staff, and all consultants who worked on

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the independent expenditures, signed certifications that they had had no contact with Mr. Williams or his campaign and would have no such contact until after the independent expenditures were completed. Copies of these certifications are on file at the AMPAC office and can be provided to you upon request. In addition, AMPAC purchased the services of the consultants under contracts which require them not to have any contact with Mr. Williams or his campaign.

As was mentioned above, AMPAC does not consult with state medical societies or medical PACs, or local physicians, regarding independent expenditures or inform them when a decision is made to make an independent expenditure on behalf of a candidate. AMPAC also does not communicate with party committees regarding prospective independent expenditures. As a result, the candidate has no advance knowledge of AMPAC independent expenditures and AMPAC receives no information regarding the candidate's campaign, directly or indirectly, from the candidate, any authorized committee of the candidate, or any person who could be considered to be an agent of the candidate.

I think it is clear, based on the above, that there is no basis for the Commission taking any action against the AMA or AMPAC based on Representative Stark's complaint. If you need 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

Enclosure

9704052632



DAVE WILLIAMS

FOR CONGRESS

Dave Williams will support President Reagan in the war against drug smuggling.

Bulk Rate
U.S. Postage
PAID
AMPAC

This communication is paid for by the
American Medical Association Political Action Committee (AMPAC)
[illegible] Vermont, NW, Washington, D.C. 20037,
and is not authorized by any candidate or Candidate's Committee.

87040526 33





Here's what Congress can do to help stop the influx of drugs into our communities and our schools.

- The federal government can accelerate its efforts to keep illegal drugs from entering this country by doubling the border patrol in critical states such as California, Florida and Texas; by reinforcing the surveillance and seizure ability of the United States Coast Guard; by improving the efforts of Customs agents at major airports and other points of entry, and by strengthening the powers of the federal Drug Enforcement Administration.

- Congress should enact stiffer penalties for drug smugglers and pushers. For repeat offenders sentences should be without possibility of parole. Congress should also establish a uniform mandatory sentence for first time offenders. Finally, Congress should support appointment of tough judges who will impose stiff sentences.

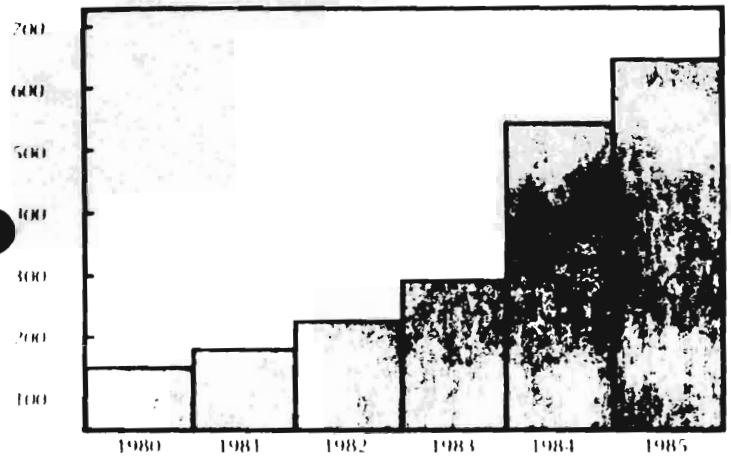
- Congress needs to support educational programs in our schools that outline the dangers of drug abuse and explain the criminal penalties. Our children need to be encouraged to resist peer pressure through programs such as the model project "Just Say No."

- Federally funded hospitals and drug treatment centers currently serve less than 10% of the nation's drug addicts. Congress should expand these drug recovery and rehabilitation programs for those users who are trying to kick their addiction.

As a Congressman, Dave Williams will work to stem the flow of drugs into our communities.

One of the most serious problems facing the communities of our 9th Congressional District is drug abuse.

OVERDOSE DEATHS DUE TO COCAINE





- Sales in the United States of illegal drugs total $100 BILLION a year — more than the total net sales of General Motors!
- Since 1980 overdose deaths from cocaine have increased nearly 600%.
- Of all the illegal drugs produced world-wide, 60% are used by Americans.
- Since 1980 the amount of cocaine smuggled into the United States has risen from 25 TONS a year to 125 TONS a year.
- One third of all inmates in federal prisons were sentenced for crimes involving drugs.
- According to the National Institute on Drug Abuse, approximately 4.2 million Americans use cocaine each month.
- Every day in the United States nearly 2,000 people are arrested on drug charges.



Drug Abuse... An Exploding Crisis

CCL#2025
RECEIVED AT THE FEC
HAND DELIVERED
86 NOV 17 P4:07

HASSARD, BONNINGTON, ROGERS & HUBER
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
FIVE FREMONT CENTER
50 FREMONT STREET, SUITE 3400
SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE
(415) 543-6444

RAPICOM FAX
(415) 543-6401

HARTLEY F. PEART
(1880-1954)
GUS L. BARATY
(1884-1966)
ALAN L. BONNINGTON
(1922-1972)

November 14, 1986

FEDERAL EXPRESS

RECEIVED
FEDERAL ELECTION
GENERAL COUNSEL
86 NOV 18 A11:07

Lawrence M. Noble
Deputy General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2272

Dear Mr. Noble:

This firm will serve as legal counsel for the California Medical Association in the above-matter. A representation letter from CMA is enclosed.

CMA's correct street address is 44 Gough Street, not Gaugh Street as indicated in your letter of October 29, 1986. CMA receives all mail through P. O. Box 7690, San Francisco, California 94120-7690.

It has been determined that your letter of October 29, 1986 was not received by CMA's mail delivery service until November 10, 1986 and was not actually received by CMA until November 12, 1986. Since the 15th day following actual receipt would be Thanksgiving day, November 27, 1986, we are calendaring an initial response due the following day, Friday, November 28, 1986. CMA intends to respond to your letter.

The complaint from Congressman Stark dated October 23, 1986 mentions, in footnote number 2, the General Counsel's Report dated July 27, 1979, concerning MURs 253, 253a, 289, 302, 369 and 618. Please have your staff provide a copy of this report as soon as possible. We will reimburse you for any copying or mailing charges. Please send the report by Express Mail.

If you have questions about this, please contact David E. Willett or me.

Sincerely,

HASSARD, BONNINGTON, ROGERS & HUBER,

Rick C. Zimmerman

RCZ/ff

cc: David E. Willett, Esq.

12

8704045637

CALIFORNIA MEDICAL ASSOCIATION
44 Gough St., • P.O. Box 7690 • San Francisco, CA 94120-7690 • (415) 863-5522

November 13, 1986

Charles N. Steele, General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR2272

Dear Mr. Steele:

The California Medical Association will be represented by the firm of Hassard, Bonnington, Rogers and Huber, 50 Fremont Street, Suite 3400, San Francisco, California 94105. The lawyers in charge will be David E. Willett and Rick C. Zimmerman. They can be reached at (415) 543-6444.

This will serve as a letter of representation authorizing Hassard, Bonnington, Rogers and Huber to receive notifications or other communications from the FEC concerning this matter.

Sincerely,

Robert H. Elsner
Executive Vice President/Chief
Executive Officer

RHE:aw

12

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86 NOV 21 P12:45

HASSARD, BONNINGTON, ROGERS & HUBER
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
FIVE FREMONT CENTER
50 FREMONT STREET, SUITE 3400
SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE
(415) 543-8444

RAPICOM FAX
(415) 543-8401

(1880-1954)

GUS L. BARATY
(1884-1966)

ALAN L. BONNINGTON
(1922-1972)

November 20, 1986

FEDERAL EXPRESS

Patty Reilly
Staff Attorney
Federal Election Commission
999 E. E Street, N.W.
Washington, D.C. 20463

86 NOV 21 P4:35
RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

Re: MUR 2272

Dear Ms. Reilly:

This is to request an additional extension of time on behalf of the California Medical Association to respond to the FEC's notification letter in this matter.

It has previously been agreed that CMA's response is due Friday, November 28, 1986.

Additional time is needed in order to review the matter thoroughly with CMA and to prepare an appropriate response.

In addition, more time is necessary so that we can receive and thoroughly review the FEC's General Counsel Report in MURs 253, etc., mentioned in Congressman Stark's complaint dated October 23, 1986. As we understand it, Congressman Stark's complaint is premised in large part on certain matters contained in the General Counsel's Report. Although we have requested a copy of the report, it still has not been received. Under the circumstances, it is essential that CMA know the contents of the General Counsel's Report so that we can respond in a meaningful way to the FEC's notification letter.

Because of the Thanksgiving and Christmas holidays, we would ask that CMA's time be extended to January 5, 1987. If this date is not acceptable, would you please telephone me and advise of the date when CMA's response is due.

Thank you for your attention to this matter.

Sincerely,

HASSARD, BONNINGTON, ROGERS & HUBER,

Rick C. Zimmerman

RCZ/ff

cc: David E. Willett, Esq.

13

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CCC#2079

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LAW OFFICES OF
NIELSEN, HODGSON, PARRINELLO & MUELLER
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO
1030 FIFTEENTH STREET, SUITE 250
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

THE HARTFORD BUILDING
650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 989-6800

FILE NUMBER
6205.02

November 21, 1986

FEDERAL EXPRESS

RECEIVED
FEC MAIL ROOM
86 NOV 24 A10:46
GENERAL COUNSEL

Patty Reilly
Assistant General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2272

Dear Ms. Reilly:

This firm represents the California Medical Political Action Committee in the above-referenced matter. A letter from California Medical PAC authorizing us to receive all notification and communications in this matter is enclosed.

Our client has advised us that your October 29, 1986 letter was not delivered until November 10, 1986 when California Medical PAC's mail service picked up the mail at the post office box where the United States Postal Service delivers all mail addressed to California Medical PAC. Since November 11, 1986 was a holiday, California Medical PAC did not actually receive your letter until November 12, 1986. While the fifteenth day following actual receipt would be Thanksgiving Day, November 27, 1986, we believe that more time will be needed to respond to the complaint filed by Congressman Stark.

We know of no facts supporting the violations asserted by the Congressman. However, due to their complexity and our position of having to research a "negative," as well as the difficulty in investigating during the approaching holiday season, we respectfully request that an extension to respond be granted to and including January 5, 1987. Since Congressman Stark was re-elected on November 4, 1986, granting this extension will not result in any detriment to him and will enable our client to respond to his allegations with certainty.

14

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Diane Elan Wick

Diane Elan Wick

DEW:bah

cc: Dr. Donald Gartman, Treasurer
California Medical PAC

3704065241

CALPAC

CALIFORNIA MEDICAL
POLITICAL ACTION COMMITTEE
44 Gough Street • P.O. Box 7690
San Francisco, CA 94120-7690 • (415) 863-5522
ID# 742617

November 19, 1986

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2272

Gentlemen:

Please be advised that the California Medical Political Action Committee (CALPAC) has retained the law firm of Nielsen, Hodgson, Parrinello & Mueller, 650 California Street, Suite 2650, San Francisco, CA 94108, (415) 989-6800; to represent it in the above-referenced matter. The attorneys in charge will be Vigo G. Nielsen, Jr. and Diane Elan Wick.

Please send all future communications in this matter to our attorneys.

Sincerely,

Allen Pross
Executive Director
CALPAC

cc: Donald Gartman, MD

AP:clc

14

Contributions are not limited to the suggested amount. Neither the AMA nor the CMA will favor or disadvantage anyone based upon the amounts or failure to make pac contributions. Contributions are subject to the limitations of FEC Regulations §110.1, §110.2 and §110.5. (Federal Regulations require this notice.) CALPAC is sponsored by the California Medical Association.

8704052643

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 1986

MEMORANDUM TO: Commissioner Elliott

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 2272 - Motion for Recusal

You have asked for an opinion regarding whether you should accede to the complainant's motion that you recuse yourself from proceedings in MUR 2272. The complainant states that your "eighteen-year relationship with AMA and AMPAC creates an irrebuttable presumption of bias on [your part] towards respondents AMA and AMPAC, rendering it impossible for [you] to make an impartial judgement on this matter." Motion to Recuse at 1-2.

A. The Complaint

The complaint in this matter concerns the relationship between the Williams for Congress Committee ("the Williams Committee"), the American Medical Association ("AMA"), the American Medical Association Political Action Committee ("AMPAC"), the California Medical Association ("CMA") and the California Medical Political Action Committee ("CALPAC"). Specifically, the complaint juxtaposes AMPAC's purported independent expenditures of approximately $100,000 on behalf of the Williams Committee, with the Williams Committee's total expenditures of approximately $5,600. The complaint then notes the General Counsel's Reports in MURs 253, 253A, 289, 302, 369, and 618 ("AMPAC MURs"), which discuss AMPAC's practice of contributing "heavily, if not exclusively, based on the recommendations of members of its affiliates, CMA and CALPAC." Complaint at 5.[1/] These reports also are cited in support of the allegations that

---

1/ The complaint interchangeably uses the word "members" to refer to members of the AMA and CMA, as well as to "members of CALPAC and AMPAC." This latter reference apparently refers to persons associated with AMPAC and CALPAC (primarily physicians and their families), rather than "members" of CALPAC AND AMPAC.

AMPAC presently encourages physicians and their families who are connected with state medical association political action committees ("State PACs") to work for local federal candidates and to inform AMPAC of the candidates' campaign needs, after which AMPAC contributes to such candidates based on the information provided. Specifically, the complaint alleges that members of CMA and persons connected with CALPAC became associated with the Williams Committee, and communicated information about that candidate's campaign needs to AMPAC. AMPAC allegedly then made $100,000 in expenditures based on that information. These alleged communications between AMPAC and persons associated with CALPAC who worked for the candidate are said to have destroyed the independent nature of AMPAC's expenditures, thereby converting these "independent expenditures" into coordinated expenditures. Thus, the complaint alleges that AMPAC and CALPAC made, and the Williams Committee accepted, excessive in-kind contributions.

B. Standard For Recusal

The question of recusal is one addressed to the judgment of the individual, and requires that individual to assess whether she believes her prior activities and associations would inhibit a fair judgment on the issues involved in the case on the facts put forward. In advising you on this matter, the question I must consider is whether a reasonable person would likely conclude that your prior activities and associations might inhibit you from making a fair judgment on the facts of MUR 2272. See February 7, 1984, Memorandum to Commissioner Harris on Standards in Disqualification Cases at 3. Each situation must be considered in light of the specific allegations, the nature of any involvement with respondents, or with events on which the Commission may need to pass judgment, and the appearance that such participation would give to a "disinterested observer." As these general principles have been set forth in the memoranda prepared in MUR 1605, I will assume that discussion for purposes of the analysis here. See Answer to Motion to Disqualify Commissioner Harris from Further Proceedings, 14 June 1984; General Counsel's Memorandum on Standards in Disqualification Cases, 7 February 1984 (MUR 1605).

In so indicating, I thus disagree with the standard proposed by the complainant that the long term association of a Commissioner with an organization essentially disqualifies him or her from a judgment on particular cases concerning the organization. As set forth in the cited materials, Congress knew in committing judgments to the Commission that its members would have had prior political associations, indeed, expected that to be the case. Congress also knew that it was creating an agency in which the loss--through recusal or otherwise--of a vote on a particular case would make it more difficult for the Commission to take action. I thus conclude, because you have a duty both to recuse yourself when there is conflict and a duty to vote where there is none, that

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Congress intended the decision to be made on the facts of individual cases.

C. Application of the Facts to the Standard for Recusal

In deciding whether to recuse yourself, the central issue is thus whether you were so involved in the establishment or operation of a system either actually used by respondents or so similar that you are unable to make an independent judgment about the conduct at issue. MUR 2272 relies upon the AMPAC MURs to support its allegation that persons associated with CALPAC became involved with the Williams Committee, determined the Williams Committee's campaign needs, and communicated these needs to AMPAC so that AMPAC could make "independent expenditures" based on these needs. In the AMPAC MURs, AMPAC's encouragement of a system of physician involvement in local campaigns was a fact about which you testified. Although the legal implications of the use of this system of physician involvement differ for the AMPAC MURs and MUR 2272, both situations involve the same alleged direction of AMPAC contributions by the State PACs. Only the focus of these two situations is different. In the AMPAC MURs the involvement of local physicians with campaigns was considered by the Commission as one piece of evidence of possible affiliation, which would require AMPAC and the State PACs to share a common contribution limitation. In MUR 2272 the involvement of local physicians with campaigns will be reviewed to determine whether that involvement converts expenditures said to be independent into excessive in-kind contributions. Thus, although the focus of the allegations differ, the AMPAC MURs and MUR 2272 appear to be situated in the same historical context, and both raise the issue of whether persons associated with the State PACs direct AMPAC's spending in federal elections.

In addition to the fact that MUR 2272 and the AMPAC MURs arise out of the same set of facts, the material on the public record indicates that you served on the staff of the AMPAC division that researched and wrote the procedures for the formation of AMPAC and the State PACs. It also appears you attended a number of state meetings where the planned formation of State PACs was discussed. Furthermore, the public record notes that while serving as AMPAC's Associate Executive Director, you had the major responsibility for establishing AMPAC's role as a national advisor and clearinghouse for state medical PACs on election law issues. Among the publications AMPAC produced were detailed instructions and legal opinions regarding compliance with the Federal Election Campaign Act, which suggests that you advised the State PACs and AMPAC on their abilities to make independent expenditures.

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Materials on the public record also indicate that you were integrally involved with the AMPAC contribution system. It appears that you were the AMPAC staff member primarily responsible for presenting contribution requests and candidate information to the AMPAC Board. Moreover, you were responsible for implementing contribution decisions made by the AMPAC Board. You also testified on the issue whether the State PACs directed AMPAC's contributions. The extent of your former involvement with this contribution mechanism requires you to decide whether you already may have formed opinions as to whether or how AMPAC could make independent expenditures based on information provided by physicians involved with campaigns.

None of these on their face present evidence that you were involved in the particular events at issue. The AMPAC MURs encompassed activity occurring from the early 1960's until 1979. The Commission closed its investigation into these matters seven years ago in late 1979. Thus, a substantial amount of time passed between the events involved in the investigation and the filing of the complaint in MUR 2272. You have not been associated with AMPAC or its connected organization since you left AMPAC shortly after the conclusion of the AMPAC MURs. The gravamen of the complaint is thus about activity in 1986 about which the record reflects no actual knowledge by you of the events here claimed to violate the Act. You, of course, have to be the judge of what the facts and events in which you have participated are. The facts on the public record cited above could support an inference that your involvement in the establishment of the State PAC system encouraged the activity that is here alleged to violate the Act, and that your prior testimony on such matters would impinge on your ability to judge fairly the credibility determinations which may become at issue here. The facts certainly do not compel that inference in my mind, however.

A closely related issue is whether, given your former involvement with AMPAC and State PACs suggested by the public record, you should recuse yourself, even though you believe there to be no actual bias in your mind, because reasonable people might conclude that you were biased. This issue of "appearance of bias" is obviously very similar to the issue of actual involvement, and yet the judgment is different. In terms of appearance, you may wish to consider whether even though you would not ordinarily recuse yourself, you will do so in this case on the basis of the request. You have, of course, the responsibility to enforce the law, and that duty to the process cannot be undermined by seeking to have Commissioners disqualified. Where the recusal, however, goes against the complainant's interest, (because, unlike a district court judge, you cannot delegate your duty to another), one of the strongest reasons for recusing in an organization like the Commission is

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reduced. Complainant here, however, is familiar with the Act, and knows that recusal effectively makes more difficult the resolution of his complaint. Because he knows that, you would certainly be warranted, I think, in recusing youself because he has effectively waived any right to having the full body decide the case. Thus, though Commissioners have a duty not to recuse themselves if there is not reason, in this particular case I think that the duty is lessened because the complainant agrees to that result.

Finally, you have asked that I indicate my thoughts on what I would recommend to the Commission on the issue of disqualification. As indicated in the cited memos, the standard of disqualification by the Commission of a fellow Commissioner involves a higher standard than that for recusal, in my judgment. Thus, I believe the Commission would be warranted in concluding (and I in recommending) that you must be disqualified only if a reasonable person could not conclude that you were unbiased in the decision of the matter.

D. Recommendation

Based on the facts put forward by the complainant's reference in the earlier MURs, I see no reason you should recuse yourself. I am convinced that Congress did not intend that Commissioners would have to recuse themselves because they had participated in political activities through the very organizations that the Act regulates. I see nothing in your case which warrants a conclusion that your participation in prior activities questioned by the Commission would leave you so biased as to be unable to make a judgment on the facts of the particular case presently before the Commission. Although those earlier cases did present similar issues, I do not see what I would consider the necessary overlap in particular factual judgments that would render recusal necessary.

I would add, as indicated above, that you would also be warranted in deciding to recuse yourself from this case, in light of the similarity of the issues and the complainant's request. It follows in my judgment from the above discussion, that I would not recommend to the Commission under the circumstances here present that it disqualify you.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 11, 1986

The Honorable Pete Stark
Pete Stark Re-Election Committee
P.O. Box 5303
Oakland, California 94605

RE: MUR 2272
Motion to Recuse

Dear Congressman Stark:

This letter is in response to your October 23, 1986 motion that I recuse myself "from participation in [MUR 2272] in light of [my] prior affiliation with respondents, American Medical Association ("AMA") and the AMA's separate segregated fund, the American Medical Association Political Action Committee, ("AMPAC")."

I am very sensitive to the ideal that this Commission must act with complete impartiality toward all candidates and committees. Because of the sensitive nature of its work, the Commission must avoid even the appearance of bias or prejudice in the matters it considers. For these reasons, I solicited the opinion of our General Counsel/Ethics Officer on whether I should accede to your request to recuse myself from the Commission's consideration of your complaint.

Upon careful review of your motion and complaint, and in consultation with our General Counsel/Ethics Officer, and only after deep introspection into my ability to fairly and impartially consider your complaint, I have concluded that my recusal is not warranted in this matter. Accordingly, I will not recuse myself from participation in the discussion and evaluation of MUR 2272.

Because of the confidential nature of this issue and in accordance with 2 U.S.C. §437g(a)(4)(B) and §437g(a)(12(A), I cannot make my decision public as you requested. Due to my high regard for your position, however, I am hand-delivering this letter to your local office so you may be immediately informed of my decision and I may begin expedious consideration of your complaint.

Respectfully,

Lee Ann Elliott

Lee Ann Elliott
Commissioner

15a

3704065648

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2272
California Medical Association	)	
California Medical Political Action Committee and Donald Gartman, as treasurer, et al.	)	

GENERAL COUNSEL'S REPORT

The Office of the General Counsel received a complaint on October 27, 1986, from Representative Pete Stark. The complaint alleges that the American Medical Association; the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; the California Medical Association ("CMA"); and the California Medical Political Action Committee and Donald Gartman, as treasurer ("CALPAC"); have made excessive in-kind contributions to the Williams for Congress Committee under the guise of independent expenditures. Additionally, the complaint alleges the Williams Committee violated 2 U.S.C. § 441a(f) by accepting these alleged excessive contributions. All respondents were notified of the complaint.

On November 21, 1986, this Office received a request for an extension of time to respond to the complaint from CMA. Additionally, on November 24, 1986, this Office received an extension request from CALPAC. Both respondents seek a thirty-seven day extension of time in which to respond until January 5, 1987.

In support of these extension requests, CMA's counsel states he needs to review and familiarize himself with materials in MURs 253, 253A, 289, 302, 369 and 618 that were cited in the complaint. Counsel has requested these materials

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from the Commission's Office of Public Records, but as of the date of his extension request had not received them. Additionally, CMA's counsel notes the difficulty of reviewing these documents in light of the time constraints of the holiday season. Similarly, CALPAC's counsel also notes the complexity of the complaint, the difficulty of researching a "negative" complaint, and the press of the holiday season.

In light of the foregoing, and recognizing the complexity of the allegations in this matter, this Office recommends that the Commission grant both respondents the requested extensions until January 5, 1987.

RECOMMENDATIONS

1. Grant the requests of the California Medical Association and the California Medical Political Action Committee for extensions of time to respond to the complaint until January 5, 1987.

2. Approve the attached letters.

Charles N. Steele
General Counsel

12/10/86
Date

By: Lawrence M. Noble (LMN)
Lawrence M. Noble
Deputy General Counsel

Attachments
1. Extension Requests(2)
2. Proposed Letters(2)

16

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Attachment(s) 1 and 2

to 12/10/86 G. C. Rpt.

have been removed from this

position in Public Record File.

See Index Item(s) 13, 14, 19, 20

8704065265 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel RJ.

DATE: December 10, 1986

SUBJECT: MUR 2272 - General Counsel's Rpt.

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

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[XX]	Compliance	[XX]
Sensitive	[XX]		
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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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
California Medical Association	)	MUR 2272
California Medical Political Action Committee and Donald Gartman, as treasurer, et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 12, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 2272:

1. Grant the requests of the California Medical Association and the California Medical Political Action Committee for extensions of time to respond to the compliant until January 5, 1987, as recommended in the General Counsel's Report signed December 10, 1986.

2. Approve the letters, as recommended in the General Counsel's Report signed December 10, 1986.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for this decision.

Attest:

12-12-86
Date

Cheryl A. Flemming
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: Wed., 12-10-86, 10:13
Circulated on 48 hour tally basis: Wed., 12-10-86, 4:00
Deadline for vote: Fri., 12-12-86, 4:00

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 1986

Diane Elan Wick, Esquire
Nielsen, Hodgson, Parrinello & Mueller, P.C.
The Hartford Building
650 California Street, Suite 2650
San Francisco, CA 94108

Re: MUR 2272
California Medical Political
Action Committee and
Donald Gartman, as treasurer

Dear Ms. Wick:

On December 12 , 1986, the Commission considered your request for an extension of time in which to respond to the complaint in the above-captioned matter, and determined to grant your request. Accordingly, your response is due no later than January 5, 1987.

If you have any questions please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

19

8704065265 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 16, 1986

Rick C. Zimmerman, Esquire
Hassard, Bonnington, Rogers & Huber, P.C.
Five Fremont Center
50 Fremont Street, Suite 3400
San Francisco, CA 94105

Re: MUR 2272
California Medical Association

Dear Mr. Zimmerman:

On December 12, 1986, the Commission considered your request for an extension of time in which to respond to the complaint in the above-captioned matter, and determined to grant your request. Accordingly, your response is due no later than January 5, 1987.

If you have any questions please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

20

GCC#2396
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HAND DELIVERED
87 JAN 5 A9:19

LAW OFFICES OF
NIELSEN, HODGSON, PARRINELLO & MUELLER
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO
1030 FIFTEENTH STREET, SUITE 250
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

THE HARTFORD BUILDING
650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 989-6800

FILE NUMBER
6205.02

January 2, 1987

RECEIVED
FEDERAL ELECTION
COMMISSION
GENERAL COUNSEL
87 JAN 5 A10:42

VIA FEDERAL EXPRESS

Charles N. Steele
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2272

Dear Mr. Steele:

This firm represents the California Medical Political Action Committee ("CALPAC") in the above-referenced complaint filed by Congressman Pete Stark that alleges violations of the Federal Election Campaign Act by CALPAC. This letter is in response to your letter dated October 29, 1986 and sets forth why the Commission should find no reason to believe that any investigation should proceed with respect to CALPAC.

The gravamen of MUR 2272 is that expenditures to support the candidacy of David Williams in the Ninth Congressional District in California were made by the American Medical Association ("AMA") through its separate segregated fund, American Medical Association Political Action Committee ("AMPAC"), that 1) were done in conjunction with the California Medical Association ("CMA") and CALPAC, 2) were in-kind contributions to David Williams and not independent expenditures, and 3) were therefore in excess of the $5,000 contribution limitation for a multi-purpose committee set forth in the Federal Election Campaign Act of 1971, as amended ("Act").

No action should be taken against CALPAC for the following reasons:

1. An expenditure loses its independence only if arranged, coordinated, or directed by the candidate or his agent. CALPAC did not arrange, coordinate or direct or participate in any way with AMPAC's expenditures in this Ninth Congressional District campaign.

> where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures. (Section 101.1(b)(5).) (Emphasis added.)

Complainant has argued that "AMA's members and paid political consultants clearly have availed themselves of the needs and plans of the Williams Campaign,..." and have extinguished their ability to make independent expenditures on behalf of him (complaint dated October 23, 1986, p. 1, ¶ 1, ln. 8).

Complainant, however, has provided no evidence, nor can he provide any evidence because there is none, to show that David Williams, an agent of David Williams, or his authorized campaign committee, "Williams for Congress," arranged, coordinated or directed CALPAC to expend funds or communicate with anyone else, including AMA, AMPAC or CMA, to expend any funds on behalf of Williams' candidacy. Further, the presumption in Section 109.1(b)(4)(i) of the FEC Regulations that creates an "in-kind contribution" rather than an "independent expenditure" does not become operative unless the campaign plans, projects, or needs are provided to the spending person by the candidate or his agent, or the expenditures were made by or through an authorized campaign fundraiser or officer, employee or vendor of the candidate's authorized campaign committee. No such facts, and no evidence supporting such facts, have been provided by complainant that CALPAC did any such act or in fact had any communication with anyone involved with the Williams' campaign. The reason no evidence was offered is because there is none. CALPAC had no knowledge of or communication with the Williams' campaign and no direct or indirect communication with AMPAC regarding its expenditures in the Ninth Congressional District.

Instead, complainant asserts that the National Republican Congressional Committee ("NRCC") is an agent of Williams for Congress and that NRCC's "in-depth knowledge of Republican Congressional candidates' needs and plans" are imputed to AMPAC because it chose to use for its expenditures three vendors that also perform services for NRCC (see complaint, 6:1:3). This purported evidence does not at all support a complaint against CALPAC.

Complainant asserts that AMPAC is the major proponent and force behind candidate Williams because AMPAC's expenditures cover virtually all aspects of campaign activity and it spent twenty times the amount expended by Williams' committee. He then implies that a "major proponent" cannot be independent from a candidate's campaign. Complainant, however, has provided no

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2 U.S.C. § 431(17) defines "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 concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate."

The Commission's regulations supporting the Act further define what constitute's "cooperation or consultation" by a candidate, his committee, or his agent. Section 109.1(b)(4)(i) of the FEC Regulations states:

> "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate" means --
>
> (i) 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;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agent; (Emphasis added.)

The same regulation clearly establishes what constitutes an agent of a candidate:

> "Agent" means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization

legal authority to support that assertion, and again offers no linkage to CALPAC.

In summary, complainant has provided no evidence that CALPAC interacted with David Williams so as to vitiate AMPAC's First Amendment right of free speech by making independent expenditures in support of Williams' candidacy.

2. Complainant has failed to show participation in the Williams' campaign by local physicians and has failed to show a nexus between that alleged participation and the expenditures by AMPAC.

Complainant has argued that the decision by AMPAC to make independent expenditures on behalf of David Williams' candidacy was made after local physicians had been encouraged by CMA and CALPAC to become involved in the Williams' campaign and that these unnamed physicians had made recommendations to AMPAC that it launch an extensive expenditure campaign against the complainant.

Complainant argues that "...it is the long-standing policy of AMA and CMA to encourage local member physicians to become involved in local federal campaigns -- and it is these same physicians whose input and recommendations determine the type and nature of expenditures AMPAC will make to local federal candidates." (See complaint, 5:2:7.) No evidence was provided, however, that supports the argument that local physicians became actively involved in Williams' campaign and, if so, provided AMPAC with vital campaign strategy, research, or plans for the purpose of AMPAC making independent expenditures.

At the very least one would expect the complainant to have provided campaign materials, letterhead, or committee lists that document the campaign positions held by local physicians that would have provided them access to campaign plans, projects or needs that could be transmitted by them to AMPAC as a basis for their alleged recommendation to AMPAC that it make expenditures on behalf of Williams.

It is interesting to note that although the complainant admits that he had reviewed the campaign statements filed by David Williams (see complaint, footnote 6 on page five), complainant failed to inform the Commission how many local physicians had been found who had made contributions to the Williams' campaign. Certainly a "first involvement" in Williams' campaign by local physicians seeking to play an active campaign role, one would expect, would be to make campaign contributions.

There is good reason for the omission. My review of David Williams' campaign statements provided me by your public records division reveals that only two physicians contributed to his authorized campaign committee. The first physician's contribution ($1,000) was made on September 19, 1986 (see Exhibit A), almost three weeks after the last AMPAC independent expenditure was made supporting the Williams' candidacy (see complainant's Exhibit B, August campaign statement, page 3 of 9). Since this contribution was made by a physician in Visalia, California, approximately 200 miles from the Ninth Congressional District, we offer that it is reasonable to infer that the physician did not play the type of active role in Williams' campaign that could have made him privy to the campaign's plans, projects and needs.

The second and last contribution ($200) by a physician was made on October 28, 1986, a few days before the election and long after any independent expenditures were made by AMPAC (see Exhibit B).

In short, complainant argues that "it is virtually certain that AMPAC relied heavily, if not exclusively, on the recommendations of members of its affiliates CMA and CALPAC." Complainant is wrong and has failed to provide evidence or even suspicious circumstances, much less legal authority, to support his allegation against CALPAC.

Even if there were recommendations by CMA or CALPAC members to AMPAC, and there were not, this would not destroy the expenditures' independence unless CMA or CALPAC members were serving as conduits or agents of David Williams' campaign.

3. The Commission should consider the timing of the complaint filed by Congressman Stark which was just prior to the election.

It is apparent that the complainant has no evidence or legal authority to support his allegations against CALPAC. It is further apparent that the complainant was fully aware of the expenditures being made by AMPAC as much as six months before he filed his complaint (see complaint, 3:1:1). Additionally, the Daily Review, a newspaper serving the Ninth Congressional District, reported the expenditure for billboards on July 9, 1986 (see Exhibit C). And on or about August 28, 1986 the complainant sent a letter to his supporters seeking their help in offsetting the AMA's expenditures against him (see Exhibit D).

Delay by a seven-term congressman for up to six months in reporting any perceived violations of the Act must be viewed

for what it obviously was - a desire to obtain media attention. By waiting until October 27, 1986 to file the complaint and disclosing the allegations of his complaint to the local press on the same day, complainant obtained media coverage for himself in the Ninth Congressional District during the last week before the election at the political expense of his opponent (see Exhibit E).

4. In summary, CALPAC has performed no act that constitutes a violation of the Federal Election Campaign Act.

CALPAC often is not aware whether its members participate in campaigns or whether these campaigns are or are not ones in which AMPAC makes independent expenditures. In any case, such participation does not make CALPAC an agent of AMPAC or of the candidate's campaign, thereby destroying the expenditure's independence, absent additional facts that prove that the CALPAC members were in fact agents for the candidate in transmitting campaign plans, projects and needs to AMPAC. In addition to complainant's lack of facts suggesting such an agency relationship, it is clear from the attached declaration of Allen Pross, Executive Director of CALPAC, that CALPAC had no knowledge of any plans, projects or needs of David Williams' 1986 campaign for the Ninth Congressional District in California and, therefore, could not have transmitted the information to AMPAC.

CONCLUSION

The complainant has failed to provide sufficient facts to demonstrate that a violation of the Act by CALPAC has occurred. Accordingly, CALPAC respectfully requests that the Office of General Counsel find that there is no reason to believe that Congressman Stark's complaint sets forth a possible violation by CALPAC of the Act.

Respectfully submitted,

Diane Elan Wick

Diane Elan Wick

DEW:rc

8704065261

87040552662

DECLARATION

I, ALLEN PROSS, do declare as follows:

1. I make this declaration of my own personal knowledge and if called as a witness, I could competently testify hereto.

2. I am presently Executive Director of the California Medical Political Action Committee ("CALPAC") and have held that position since August 5, 1985.

3. CALPAC is a political action committee of the California Medical Association ("CMA") and is governed by the California Political Reform Act as it makes contributions only to California state and local candidates and does not make contributions or expenditures on behalf of federal candidates.

4. At no time have I communicated with, cooperated with, consulted with, or served as an agent of David Williams or the Williams for Congress campaign committee in the Ninth Congressional District in California.

5. In preparation of making this declaration, I interviewed all staff members of CALPAC to determine if any CALPAC staff member has ever communicated with David Williams or his campaign organization about Williams' 1986 campaign plans, projects or needs. Each employee assured me he or she had not.

6. At no time has David Williams or anyone I believed to be David Williams' agent, authorized me to provide information about his campaign plans, projects or needs to AMA, AMPAC or CMA.

7. In my positions with CALPAC, part of my duties include encouraging member physicians to become actively involved

21

in local campaigns, but I have made no attempt to acquire campaign information and I have acquired no campaign information from CALPAC members involved in David Williams' Ninth Congressional District campaign.

8. CALPAC staff members and I are not consulted by AMA or AMPAC with respect to independent expenditures they may plan to make.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Dated: December 31, 1986

Allen Pross

8704065 2663

21

NOV 27 1986

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committee

(Summary Page)

CERTIFIED MAIL

1 Name of Committee (in Full)	2. FEC Identification Number
Williams for Congress	117854
Address (number and Street)	3 Is this Report an Amendment?
1560 Kingsport Avenue	[X] YES [ ] NO
City, State and Zip Code — [ ] Check if address is different than previously reported	
Livermore, California 94550	

4. TYPE OF REPORT

- [ ] April 15 Quarterly Report
- [ ] July 15 Quarterly Report
- [X] October 15 Quarterly Report
- [ ] January 31 Year End Report
- [ ] July 31 Mid Year Report (Non-election Year Only)
- [ ] Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
- [ ] Thirtieth day report following the General Election on _____ in the State of _____
- [ ] Termination Report

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF RECORDS MANAGEMENT
1986 DEC -1 AM 11:12

This report contains activity for — [ ] Primary Election [X] General Election [ ] Special Election [ ] Runoff Election

SUMMARY

5. Covering Period 7-1-86 through 9-30-86

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (From Line 11 (e))	26,900.50	28,370.50
(b) Total Contribution Refunds (from Line 20 (d))		
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	26,900.50	28,370.50
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	27,960.69	33,626.30
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	27,960.69	33,626.30
8. Cash on Hand at Close of Reporting Period (from Line 27)	8,744.20	
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	0	
10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	14,000.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

David M. Williams
Type or Print Name of Treasurer

David M. Williams
SIGNATURE OF TREASURER

11/25/86
Date

For further information, contact
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
Toll Free 800-424-9530
Local 202 376-3120

NOTE Submission of false erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used

FEC FORM 3 (3-80)

(21)

of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in Full): Williams for Congress

Report Covering the Period: From: 7-1-86 To: 9-30-86

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	26,900.50	28,370.50	11 (a)
(Memo Entry Unitemized $)			
(b) Political Party Committees			11 (b)
(c) Other Political Committees			11 (c)
(d) The Candidate			11 (d)
(e) TOTAL CONTRIBUTIONS (other than loans (add 11(a), 11(b), 11(c) and 11(d).	26,900.50	28,370.50	11 (e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			12
13. LOANS:			
(a) Made or Guaranteed by the Candidate	9,000.00	14,000.00	13 (a)
(b) All Other Loans			13 (b)
(c) TOTAL LOANS (add 13 (a) and 13 (b))			13 (c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			14
15. OTHER RECEIPTS (Dividends, Interest, etc.)			15
16. TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)	35,900.50	42,370.50	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	27,960.69	33,626.30	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES			18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate			19 (a)
(b) Of All Other Loans			19 (b)
(c) TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))			19 (c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			20 (a)
(b) Political Party Committees			20 (b)
(c) Other Political Committees			20 (c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))			20 (d)
21. OTHER DISBURSEMENTS			21
22. TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)	27,960.69	33,626.30	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	$ 804.39	23
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)	$ 35,900.50	24
25. SUBTOTAL (Add Line 23 and Line 24)	$ 36,704.89	25
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	$ 27,960.69	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	$ 8,744.20	27

(21)

8,700,430,245,215,943

SCHEDULE A — ITEMIZED RECEIPTS

For each category of the Detailed Summary Page — FOR LINE NUMBER 11a

A: 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)

Williams for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Floyd Sparks 4496 Hillsborough Drive Castro Valley, CA 94546 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	retired / newspaper investor / $ 500.00	8/5/86	500.00
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Byron W. Riegel 1101 W. Whitendale Visalia, CA 93277 Receipt For: ☐ Primary XX General ☐ Other (specify):	self-employed / physician / $ 1,000.00	9/19/86	1,000.00
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: ☐ Primary ☐ General ☐ Other (specify):	$		

SUBTOTAL of Receipts This Page (optional)	1,500.00
TOTAL This Period (last page this line number only)	26,900.50

8704133456

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committee

(Summary Page)

CERTIFIED MAIL
NOV 27 1986

1 Name of Committee (In Full)
Williams for Congress

2 FEC Identification Number
117854

3 Is this Report an Amendment?
☐ YES ☒ NO

Address (Number and Street)
1560 Kingsport Avenue

City, State and Zip Code
Livermore, CA 94550

☐ Check if address is different than previously reported

4 TYPE OF REPORT

☐ April 15 Quarterly Report
☐ July 15 Quarterly Report
☐ October 15 Quarterly Report
☐ January 31 Year End Report
☐ July 31 Mid Year Report (Non-election Year Only)
☐ Twelfth day report preceding election on ___ (Type of Election) in the State of ___
☒ Thirtieth day report following the General Election on Nov. 4, 1986 in the State of California
☐ Termination Report

This report contains activity for — ☐ Primary Election ☒ General Election ☐ Special Election ☐ Runoff Election

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period Oct. 16, 86 through Nov. 24, 86		
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (From Line 11 (a))	10,804.08	49,061.98
(b) Total Contribution Refunds (from Line 20 (d))		
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	10,804.08	49,061.98
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17)	12,074.90	52,043.41
(b) Total Offsets to Operating Expenditures (from Line 14)		
(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	12,074.90	52,043.41
8 Cash on Hand at Close of Reporting Period (from Line 27)	2,517.97	
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)		
10. Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	5,500.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

David M. Williams
Type or Print Name of Treasurer

David M. Williams
SIGNATURE OF TREASURER

11/26/86
Date

For further information, contact:
Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463
Toll Free 800-424-9530
Local 202-376-3120

NOTE Submission of false erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3 (3/80)

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DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (In Full): Williams for Congress

Report Covering the Period: From Oct. 16, 86 To Nov. 24, 86

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date	
I. RECEIPTS			
11. CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees (Memo Entry Unitemized $ 5406.08)	10,305.08	47,962.98	11 (a)
(b) Political Party Committees			11 (b)
(c) Other Political Committees	499.00	1,099.00	11 (c)
(d) The Candidate			11 (d)
(e) TOTAL CONTRIBUTIONS (other than loans (add 11(a), 11(b), 11(c) and 11(d).	10,804.08	49,061.98	11 (e)
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			12
13. LOANS:			
(a) Made or Guaranteed by the Candidate		14,000.00	13 (a)
(b) All Other Loans			13 (b)
(c) TOTAL LOANS (add 13 (a) and 13 (b))		14,000.00	13 (c)
14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			14
15. OTHER RECEIPTS (Dividends, Interest, etc.)			15
16. TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)	10,804.08	63,061.98	16
II. DISBURSEMENTS			
17. OPERATING EXPENDITURES	12,074.90	52,043.41	17
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES			18
19. LOAN REPAYMENTS:			
(a) Of Loans Made or Guaranteed by the Candidate	8,500.00	8,500.00	19 (a)
(b) Of All Other Loans			19 (b)
(c) TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))	8,500.00	8,500.00	19 (c)
20. REFUNDS OF CONTRIBUTIONS TO:			
(a) Individuals/Persons Other Than Political Committees			20 (a)
(b) Political Party Committees			20 (b)
(c) Other Political Committees			20 (c)
(d) TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))			20 (d)
21. OTHER DISBURSEMENTS			21
22. TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)	20,574.90	60,543.41	22

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD	$ 12,288.79	23
24. TOTAL RECEIPTS THIS PERIOD (From Line 16)	$ 10,804.08	24
25. SUBTOTAL (Add Line 23 and Line 24)	$ 23,092.87	25
26. TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	$ 20,574.90	26
27. CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from Line 25)	$	

(21)

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SCHEDULE A — ITEMIZED RECEIPTS

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

PAGE 1 OF 2

FOR LINE NUMBER 11a

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)

Williams for Congress

A. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Stephanie Bigelow 17015 High Pine Way Castro VAlley, CA 94546 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	homemaker $ 1,000.	10/28/86	1,000.
B. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Richard Bigelow 17015 High Pine Way Castro Valley, CA 94546 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	self-employed realtor $ 1,000.	10/28/86	500.
C. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Robert I. Williams 50 East 79th St. New York, New York 10021 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Pannell, Kerr & Forster New York, NY CPA $ 1,000.	10/28/86	1,000.
D. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Lucille Williams 50 East 79th St. New York, New York 10021 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	homemaker $ 1,000.	10/28/86	1,000.
E. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
David B. Davis 1237 "B" Street Hayward. CA 04541 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	self-employed physician $ 200.	10/28/86	200.
F. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Paul Williams 730 Longwood Road Glencoe, IL 60022 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	Nuveen Chicago, IL investment banker $ 250.	11/6/86	250.
G. Full Name, Mailing Address and ZIP Code	Name of Employer / Occupation / Aggregate Year-to-Date	Date (month, day, year)	Amount of Each Receipt this Period
Dale Reed 1560 Daily Court San Leandro, CA 94577 Receipt For: ☐ Primary ☒ General ☐ Other (specify):	self-employed scale company owner $ 250.	10/28/86	250.

SUBTOTAL of Receipts This Page (optional)	4,200
TOTAL This Period (last page this line number only)	

21

The Daily Review

25¢

95th Year, No. 275 Serving San Leandro, San Lorenzo, Castro Valley, Alameda and Hayward, California Wednesday, July 9, 1986

21

AMA targets 'hostile' Stark for defeat

By Sam Delson
Staff writer

The American Medical Association has targeted East Bay Rep. Pete Stark for defeat this year and has spent more than $11,000 on a series of billboards promoting Stark's GOP opponent.

Twenty-nine billboards supporting Republican candidate David Williams of Livermore, will be posted Tuesday throughout southern Alameda County.

The billboards, which tout Williams but do not directly refer to Stark, will be seen by an estimated 45 percent of the district's 526,000 residents each day for a month.

Williams, the owner of D.M. Williams Inc., a Livermore package engineering company, expressed surprise Tuesday when a reporter told him of the AMA's efforts on his behalf.

"I'll be darned," he said. "It's the first I heard of it, but I'm pleased."

More than half of the country's 543,000 physicians belong to the AMA. It is the country's largest doctors' organization, and Stark's race ranks among its half-dozen most expensive campaigns this year.

"Stark has not been approachable by our lobbyists," said Dr. Thomas Berglund of Kalamazoo, Mich., national chairman of the AMA's political action committee. "He's been hostile to our physician witnesses and his attitude toward us is antagonistic."

Stark, D-Hayward, is the chairman of the Health Subcommittee of the House Ways and Means Committee and has been critical of the medical establishment.

"The AMA is mad at me because I insist on a fair break for Medicare beneficiaries and they are trying to raise their fees," Stark said. "The AMA is basically just greedy. They're trying to gouge senior citizens and they've found that I can't be budged."

See Stark, back of section



Rep. Pete Stark

Stark

Continued from page 1

Physicians' Medicare reimbursement fees have been frozen for two years. The AMA and the Reagan administration argue that more physicians would participate in the program and the elderly would be more prudent in their use of health services if they paid more in premiums, deductibles and co-payments, but Stark and other congressmen have opposed efforts to increase fees and reimbursements.

Stark also has called for stricter policing of incompetent physicians and has sponsored legislation barring private hospitals from dumping indigent patients.

Berglund said the AMA does not object to Stark's political views.

"Those issues aren't the problem," Berglund said. "It's his absolutely arrogant attitude that we object to."

Stark, however, said the doctors' group's real problem is that, "They've never met anybody before who isn't scared of them. . . . I'm the junkyard dog in terms of holding down medical costs."

He added, "If protecting senior citizens from outrageous billing practices . . . is arrogant, then I'm willing to be arrogant in the name of protecting taxpayers' money."

Berglund described the AMA campaign as "for Mr. Williams, not against Mr. Stark," but he said his organization believes a new chairman of the Health Subcommittee would be more sympathetic to physicians than Stark.

Although federal regulations place a $5,000 ceiling on direct contributions to individual candidates, many organizations spend more by establishing independent committees that campaign for candidates without contributing money directly to them.

Independent committees are barred from having any direct contact with the candidates they support.

The AMA has budgeted $4.5 million for activities on behalf of more than 200 candidates this year, but Stark's race is one of only six or seven campaigns in which the doctor's group will act as an independent committee and spend more than $5,000.

Although Williams said he refuses to accept direct contributions from political action committees or non-Californians, he welcomed the AMA's billboards.

Stark, however, said he hoped Williams would repudiate the AMA's campaign.

"People who accept this kind of assistance have to sell their soul a nickel at a time," he said.

The AMA has considered Stark a thorn in its side for years, but has not helped his opponents during the last two elections because their challenges were not considered viable.

Berglund said the AMA believes Williams, 50, is a credible candidate but said the decision to back him also stemmed from a new strategy calling for investing money in underdog campaigns.

"We bit the bullet and decided to give it a shot," he said. "We may not win, but we may get a message across."

87040525270

congressman

PETE STARK

Democrat

August 28, 1986

Dear

The main issue of my campaign has already been defined: greed versus fairplay.

I did not choose the agenda. The other side did. So be it. I think the advocate of fairplay will win, because we are right. But I need your help.

The American Medical Association (AMA), with a membership of less than half of the nation's practicing physicians, plans to spend $250,000 on behalf of my opponent. It has already disbursed about $100,000 for East Coast and San Francisco political consultants, polls, billboards, management fees and so forth.

Why would the AMA launch such an unprecedented attack against one Congressman? As you may know, I am chairman of the Health Subcommitee of the Ways and Means committee. I have led the fight to expand Medicare benefits to the elderly while holding down costs to taxpayers. Among other things, my subcommittee saved money by limiting doctor and hospital charges. We are now seeking legislation that will encourage doctors to accept Medicare fees as full payment for services, rather than charging over the limits and causing financial hardship to patients.

Anytime the AMA thinks my proposals threaten the pocketbooks of doctors, its lobbyists charge into battle, guided by the dictates of the House of Delegates, a bastion of aging, ultra-conservative white males. The AMA does not speak for all doctors, not even a majority. Even some of its own members are embarrassed by its greedy approach to medicine.

Nonetheless, the AMA has political clout. In the last national elections, its powerful political action committee (AMPAC), one of the largest and most feared PACs in the country, contributed nearly $3.5 million to congressional campaigns, mostly Republican. Now AMPAC has targeted me as the No. 1 enemy of rich doctors.

21

The only way they can make a dent is to distort my positions and record. There's no way they can honestly sell their own self-serving point of view. So be prepared to see and hear some nasty stuff. A quarter-million dollars will buy a lot of political garbage.

Meanwhile, we can offset the attack with a strong grassroots campaign, which is where you come in. Please, if you believe in what I stand for--fairplay for senior citizens and taxpayers--give me your help. Right now I am asking people to volunteer to display our lawn signs. If you will, just fill out and return the enclosed card. Also check off any other volunteer effort you're willing to help with.

If you have questions, please call our campaign headquarters, 886-4999. Thank you.

Regards,

Pete

8704055267 2

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Stark charges AMA with illegal campaign spending

By Sam Delson
Staff writer

Calling the American Medical Association "guilty of malpractice of democracy," Rep. Pete Stark filed a complaint with the Federal Election Commission on Monday that alleges the AMA has illegally spent more than $100,000 to defeat him.

The AMA has reported spending $218,000 on independent operations to support Stark's Republican challenger, Livermore packaging executive Dave Williams. Federal law places a $5,000 limit on direct contributions to candidates, but does not limit independent expenditures.

Stark's complaint says the AMA's contributions were illegal because it claims they were not truly independent of the Williams campaign.

The complaint lists only the $101,000 the AMA spent between May and Aug. 31 instead of the full $218,000.

"The AMA leadership is destroying the nation's campaign spending laws in its attempts to get increased Medicare payments," said Stark, D-Hayward. "They are violating both the letter and the spirit of the law."

Stark's seven-page complaint, hand-delivered to election commission general counsel Charles N. Steele, says the AMA employed three companies that also work for the National Republican Congressional Committee, which has performed services for the Williams campaign.

Stark also said he is "virtually certain" that medical association members "were in contact with Mr. Williams and his committee" before the AMA decided to bankroll Williams' campaign.

Williams has reported raising $38,000 in direct contributions for his campaign — less than one fifth the amount the AMA has spent on his behalf. Stark's complaint said the AMA, not Williams' official campaign committee, "is the major proponent of and force behind" Williams' candidacy.

Stark has reported raising $227,000 and spending $167,000 this year.

Williams dismissed Stark's charges as "dirty tricks." Speaking at a Livermore Chamber of Commerce luncheon Monday, he said Stark's accusations "are totally false."

In an interview after the luncheon, Williams said he has nothing to do with the AMA's efforts.

"I've had no contact with the AMA," he said. "I never asked them for a nickel. They did what they did."

Williams last week called Stark's complaints about the AMA "unprofessional and false smear tactics."

An AMA spokesman, who asked that his name not be published, would not comment on Stark's charges, but said "we bend every muscle to avoid even the appearance of any kind of non-independent expense."

The spokesman said, "this includes walking to the other side of the room if even the staff of the candidate is in the same room. We won't be seen with him, we won't talk with him, we won't even communicate."

Federal Election Commission press officer Fred Eiland said violators can be fined $5,000 or the amount of the violation, whichever is greater, but said it could be months before any decision is reached.

— Staff writer Allan Hirsch contributed to this report.

21

GCC#2395

RECEIVED BY THE FEC
HAND DELIVERED
87 JAN 5 A9:17

HASSARD, BONNINGTON, ROGERS & HUBER
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
FIVE FREMONT CENTER
50 FREMONT STREET, SUITE 3400
SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE
(415) 543-6444

RAPICOM FAX
(415) 543-6401

HARTLEY F. PEART
(1880-1954)
GUS L. BARATY
(1884-1966)
ALAN L. BONNINGTON
(1922-1972)

January 2, 1987

FEDERAL EXPRESS

87 JAN 5 A10:42

RECEIVED
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W., Room 613
Washington, D.C. 20463

Attn: Patty Reilly

Re: **MUR 2272**

Dear Mr. Steele:

This letter is written on behalf of the California Medical Association ("CMA") in reply to your letter of October 29, 1986, transmitting Congressman Stark's complaint of October 23, 1986.

Congressman Stark alleges that independent expenditures by the American Medical Political Action Committee ("AMPAC") in the David Williams campaign should be considered contributions by AMPAC. Because of the amount expended, limits established by the Federal Election Campaign Act have allegedly been violated. CMA is accused of violating the FECA based on its relationship with the American Medical Association ("AMA") and AMPAC, and nonspecific allegations concerning unnamed CMA member(s).

No action should be taken by the Commission as to CMA based on Congressman Stark's letter. No facts are alleged and no evidence has been presented concerning CMA which justify any action. Even assuming the allegations are true, they do not state a violation by CMA of the FECA.

CMA is a nonprofit unincorporated professional association which has approximately 34,000 members. CMA does not engage in federal election campaign activity. CMA sponsors a political committee, the California Medical Political Action Committee ("CALPAC"); however, CALPAC no longer makes contributions to candidates in federal races and does not make independent expenditures in federal campaigns. CMA itself does not have any commissions, committees or subcommittees which deal with federal elections and there is no mechanism at CMA designed to do so. CMA took no action concerning the

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8704052674

Williams campaign, and had no contact with AMA, AMPAC, or CALPAC or the Williams campaign concerning possible contributions or expenditures in this campaign.

The "facts" supporting the complaint against CMA are found in the second paragraph of page 5 of Congressman Stark's letter, which states in part "...it is virtually certain that AMPAC relied heavily, if not exclusively, on the recommendations of members of its affiliates CMA and CALPAC." CMA is not an affiliate of AMPAC. Congressman Stark does not allege CMA made recommendations to AMPAC. The apparent basis for the complaint against CMA is that unnamed CMA member(s) made recommendations to AMPAC concerning an independent expenditure. Even if true, this does not state a violation of the FECA by CMA. Acts of individuals who happen to be CMA members cannot be attributed to CMA or be deemed action by CMA in the manner suggested by Congressman Stark's complaint.

The same paragraph states that it is the long-standing policy of CMA to encourage local physicians to become involved in local campaigns "...and it is the same physicians whose input and recommendations determine the type and nature of expenditures AMPAC will make to federal candidates." Apparently, because CMA allegedly encourages physicians to be active in politics, and some physicians are allegedly active, recommendations by physicians can be attributed to CMA. There is no identification of specific individuals who made recommendations concerning the Williams campaign, or any other specific details to show CMA took any action, formally or informally, in the campaign.

The same paragraph concludes "...it is also virtually certain that CMA members were in contact with Mr. Williams and his committee and agent prior to recommending that CMA launch an extensive expenditure campaign..." No evidence to support this allegation is presented. Even assuming a physician who belonged to CMA was in contact with the Williams campaign, this does not state a violation by CMA. Mere membership in a professional association is not sufficient to permit the knowledge or acts of the individual member to be attributed to the organization.

Congressman Stark's letter relies on the General Counsel's Report of July 1979. The Report pre-dates the alleged violations by nearly seven years and for the most part focuses on matters now more than ten years old. In addition to errors,

GCC# 2545 RECEIVED AT THE FE

87 JAN 27 P2:

LAW OFFICES OF
NIELSEN, HODGSON, PARRINELLO & MUELLER
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO
1030 FIFTEENTH STREET, SUITE 250
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

THE HARTFORD BUILDING
650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 989-6800

FILE NUMBER
6205.02

January 22, 1987

Ms. Dorothy Hutchons
Public Records Division
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Hutchons:

Thank you very much for the courtesy you extended to us last month in expediting the campaign statements and Statement of Organization of David Williams that enabled us to timely respond to MUR 2272. Your consideration was appreciated.

Very truly yours,

Diane Elan Wick

Diane Elan Wick

DEW:bah

cc: P. Reilly, Esq.

JAN 27 P4:01

RECEIVED
GENERAL COUNSEL

23

87040552675

Congressman

PETE STARK

Democrat

GCC#2687

MUR 2272

February 9, 1987

87 FEB 10 P3:54

RECEIVED
FEDERAL ELECTION
GENERAL COUNSEL

HAND DELIVERED

Mr. Charles N. Steele, Esquire
General Counsel
Federal Election Commission
999 E Street NW, Room 613
Washington, DC 20463

Re: Additional information in complaint of Fortney H. (Pete) Stark against American Medical Association et. al., filed October 23, 1986

Dear Mr. Steele:

Following are additional items I would like included in my complaint of October 23, 1986 against the American Medical Association, the American Medical Association Political Action Committee, the California Medical Association, the California Medical Association Political Action Committee, and Williams for Congress.

As you know, this case involves a large "independent expenditure" against me and on behalf of Mr. Williams. In my submission of October 23, 1986, I said that these expenditures had totalled $101,221.34 as of August 31, 1986. I would like to amend that statement to note that as of November 4, 1986, I believe these "independent expenditures" amounted to $245,557.36. But I also submit an item from the October 3, 1986 AMA Newsletter which describes a "bundling" of smaller checks from AMA members which apparently were sent directly to Mr. Williams [Attachment #1].

In checking Mr. Williams' FEC filings it does appear that he received a very large number of under $100 contributions [e.g., see attachment #2]. I believe that if these unitemized receipts are checked, many will be from AMA physicians. A check of who these individuals are may provide information on who was in contact with the Williams campaign and who was providing suggestions on how the AMA could coordinate with the Williams campaign.

Pete Stark Re-Election Committee • Post Office Box 5303 • Oakland, California 94605 • Charles Kline, Treasurer • I.D. No. 044423

24

Because of this "bundling" campaign, it may never be possible to know exactly how much the AMA campaign spent on behalf of Mr. Williams, but it would appear that the figure is between $260,000 and $270,000.

Secondly, I submit portions of two AMA mailings to households in the 9th Congressional District. You will note that attachement #3 (relating to combatting crime) states as a fact a number of positions or votes which Mr. Williams would make if elected. How did the AMA know these positions? The same question arises over attachment #4 relating to his policy priorities.

In my October 23 complaint, I noted that there were overlaps between the AMA campaign consultants and the Republican Party's contractors. Attachement #5 makes this point clearer than ever: it is basically a slate mailer in which Mr. Williams appears with the other two major Republican candidates in California. You will note that it was paid in part by the AMA (one could wonder if any professional corporation checks were mixed into the funding of this mailer) and shows an extraordinary close tie between the AMPAC and various Republican activities.

Finally, I enclose a memo of a telephone conversation as taken by one of my campaign consultants. While this is a third-party memo, it raises serious questions about coordination between AMA, AMPAC, and the Williams for Congress Campaign [attachment 6].

I hope that this additional information will help in your investigation of my complaint.

Respectfully submitted,

Pete Stark

District of Columbia

Subscribed and sworn to before me, a Notary Public, on this

16th day of February, 1987

Mary Curtis Bowman
Notary Public
Comm. Exp. May 31, 89

24

87040525678

#1

Oct. 3, 1986

AMA NEWSLETTER

All AMA dues-paying categories are significantly ahead of last year's membership levels. In the year-to-year comparison from Sept. 13, 1985, to Sept. 12, 1986, regular membership increased from 160,249, to 164,869; housestaff membership increased from 31,885 to 35,316; and medical student membership increased from 30,543 to 33,836. The only decrease was in the dues-exempt category where membership went from 40,494 last year to 39,657 this year.

The total of 234,021 dues-paying members represents 99.3% of the 1986 goal of 235,600. If delinquent renewal efforts and the direct membership option succeed as well this year as in the past, total dues-paying membership is expected to exceed the goal by the end of the year.

The increase in regular members is largely because of a gain of almost 3,100 more regular members than last year at this time from the three states with new policies of unified membership (743 more from Kansas, 743 more from Mississippi, and 1,588 more from Virginia).

A unique mail appeal to the entire 57,000 American Medical Political Action Committee (AMPAC) membership list on behalf of two challengers to congressmen antagonistic to medicine has netted more than $19,000 for those campaigns. Some 280 individual physicians and spouses responded to the appeal, independently offering support to Jim Eynon's challenge of Rep. Andrew Jacobs (D, Ind.), who claims he is protecting the U.S. Treasury from the AMA, and Dave Williams' challenge of Fortney "Pete" Stark (D, Calif.), who considers AMA leaders "troglodytes." Thomas Berglund, MD, AMPAC's chairman, respond's that "we're going to play hardball with congressmen like that."

A first, the independent PAC solicitation on behalf of candidates and the independent contributions from individuals meet Federal Election Commission rules on campaign financing. "We're doing something that hasn't been done before," Dr. Berglund said. "But our PAC always has been on the leading edge."

In addition to these positive campaigns on behalf of challengers, AMPAC is independently supporting the re-election bid of Rep. Wayne Dowdy (D, Miss.), the congressional campaign of Democrat Margaret Lowenthal, a state representative in Louisiana, and the Senate bid of former Vermont Gov. Richard Snelling, a Republican.

MAXIMUM STRENGTH



30 mg. Spansule®
brand of sustained release capsules
Capsules

25 mg.
Suppositories

COMPAZINE®
PROCHLORPERAZINE

Physicians have an obligation to report drug or alcohol abuse in cases where the public safety is at stake. This message from the AMA received nationwide attention in the form of a page one article in *USA Today* and a news story distributed nationally by the Associated Press.

The news coverage followed a report in the *Pittsburgh Press* stating that at least 23 airline crew members, including a pilot near death from a cocaine overdose, had been treated at Pittsburgh hospitals for medical crises related to drug abuse. Hospital officials said confidentiality laws prevented reporting of such abuses.

Both the Associated Press and *USA Today* quoted the AMA's associate general counsel, B.J. Anderson, as stating that if physicians do not report such cases to authorities, they run the risk of being held liable. The AMA Council on Ethical and Judicial Affairs has stated: "The obligation to safeguard patient confidence is subject to certain exceptions, which are ethically and legally justified because of overriding social considerations."

1986 AMA Communications Institute will be Oct. 23-25 in Chicago.

The program for Thursday, Oct. 3, features a daylong optional seminar on spokesman training designed to improve skills for radio and television appearances and media interviews. The fee for the seminar is $100. Another optional seminar on Thursday afternoon, "Future Trends in Medical Television," will be presented by Joe Feurey, president of Professional Communications, New York City. Fee for this seminar is $50.

The general session on Friday, Oct. 24, will feature an address by Fred W. Friendly, former president of CBS News and now Edward R. Murrow Professor Emeritus of Broadcast Journalism at Columbia U. This will be followed by concurrent sessions on medical society magazines, speechwriting, and medical society public relations.

The Friday afternoon program will include presentations on "Public Relations for New Communicators" by Feurey and Bruce Dan, MD, a *JAMA* editor and medical editor of WLS-TV; and "Being a More Creative Communicator" by Gerald E. Allan, president, Criteria Inc., Minneapolis.

Saturday morning's program will include a series of buffet breakfast roundtable discussions, followed by concurrent sessions on creative public relations strategies, marketing communications, and public service programming.

The closing session will feature an address by John Palmer, a newscaster on the NBC-TV "Today" show; an overview

24

Ltr from Stark dtd 9 Feb 87

#2

CA/09

CERTIFIED MAIL

REPORTS OF RECEIPTS AND DISBURSEMENTS
For Authorized Committee

(Summary Page)

OCT 15 1986

1 Name of Committee (in Full)
Williams for Congress

2 FEC Identification Number
117854

Address (Number and Street)
1560 Kingsport Avenue

3 Is this Report an Amendment?
☐ YES ☒ NO

City, State and Zip Code
Livermore, California 94550

☐ Check if address is different than previously reported

4 TYPE OF REPORT

- ☐ April 15 Quarterly Report
- ☐ July 15 Quarterly Report
- ☒ October 15 Quarterly Report
- ☐ January 31 Year End Report
- ☐ July 31 Mid Year Report (Non-election Year Only)
- ☐ Twelve day report preceding election on ___ in the State of ___
- ☐ Thirty day report following the General Election on ___ in the State of ___
- ☐ Termination Report

This report contains activity for - ☐ Primary Election ☒ General Election ☐ Runoff Election ☐ Special Election

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year to Date
5 Covering Period 7-1-86 through 9-30-86		
6 Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (From Line 11 (e))	26,900.50	28,370.50
(b) Total Contribution Refunds (From Line 20 (d))		
(c) Net Contributions (other than loans) (subtract Line 6 (b) from 6 (a))	26,900.50	28,370.50
7 Net Operating Expenditures		
(a) Total Operating Expenditures (From Line 17)	27,960.69	33,626.30
(b) Total Offsets to Operating Expenditures (From Line 14)		
(c) Net Operating Expenditures (Subtract Line 7 (b) from 7 (a))	27,960.69	33,626.30
8 Cash on Hand at Close of Reporting Period (From Line 27)	8,744.20	
9 Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	0	
10 Debts and Obligations Owed BY The Committee (Itemize all on Schedule C or Schedule D)	9,000.00	

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete

David M. Williams
Type or Print Name of Treasurer

David M. Williams
SIGNATURE OF TREASURER

Sept. 30, 1986
Date

For further information, contact
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463
Toll Free 800-424-9530
Local 202 376-3120

NOTE Submission of false erroneous or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used

FEC FORM 3 (3/80)

24

#2

DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3)

Name of Committee (in Full): Williams for Congress

Report Covering the Period: From 7-1-86 To 9-30-86

		COLUMN A Total This Period	COLUMN B Calendar Year-to-Date	
	I. RECEIPTS			
11	CONTRIBUTIONS (other than loans) FROM			
	(a) Individuals/Persons Other Than Political Committees	[illegible]	25,370.50	11(a)
	Memo Entry Unitemized $ _____			
	(b) Political Party Committees			11(b)
	(c) Other Political Committees			11(c)
	(d) The Candidate			11(d)
	(e) TOTAL CONTRIBUTIONS (other than loans (add 11(a), 11(b), 11(c) and 11(d)	[illegible]	25,370.50	11(e)
12	TRANSFERS FROM OTHER AUTHORIZED COMMITTEES			12
13	LOANS			
	(a) Made or Guaranteed by the Candidate	[illegible],000.00	14,000.00	13(a)
	(b) All Other Loans			13(b)
	(c) TOTAL LOANS (add 13 (a) and 13 (b))			13(c)
14	OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)			14
15	OTHER RECEIPTS (Dividends, Interest, etc.)			15
16	TOTAL RECEIPTS (add 11 (e), 12, 13 (c), 14 and 15)	[illegible]	[illegible]	16
	II. DISBURSEMENTS			
17	OPERATING EXPENDITURES	[illegible]	[illegible]	17
18	TRANSFERS TO OTHER AUTHORIZED COMMITTEES			18
19	LOAN REPAYMENTS			
	(a) Of Loans Made or Guaranteed by the Candidate			19(a)
	(b) Of All Other Loans			19(b)
	(c) TOTAL LOAN REPAYMENTS (add 19 (a) and 19 (b))			19(c)
20	REFUNDS OF CONTRIBUTIONS TO			
	(a) Individuals/Persons Other Than Political Committees			20(a)
	(b) Political Party Committees			20(b)
	(c) Other Political Committees			20(c)
	(d) TOTAL CONTRIBUTION REFUNDS (add 20 (a), 20 (b), and 20 (c))	[illegible]	33,626.30	20(d)
21	OTHER DISBURSEMENTS			21
22	TOTAL DISBURSEMENTS (add 17, 18, 19 (c), 20 (d) and 21)			22

III. CASH SUMMARY

23	CASH ON HAND AT BEGINNING OF REPORTING PERIOD	$ 804.39	23
24	TOTAL RECEIPTS THIS PERIOD (From Line 16)	$ 35,900.50	24
25	SUBTOTAL (Add Line 23 and Line 24)	$ 36,704.89	25
26	TOTAL DISBURSEMENTS THIS PERIOD (From Line 22)	$ 27,960.69	26
27	CASH ON HAND AT CLOSE OF THE REPORTING PERIOD (Subtract Line 26 from 25)	$ 8,744.20	27

(24)

7 8 7 0 4 0 5 0 7 5 R 1

DAVE WILLIAMS

will lead the fight against crime by:



- Voting for tough new laws to stop crime.
- Supporting the appointment of strong judges who will impose stiff sentences.



- Backing federal efforts to stem the tide of illegal drugs imported and sold in this country.
- Cracking down on drug pushers, especially those who prey upon the young.
- Stopping criminals with schemes to defraud senior citizens.

DAVE WILLIAMS

FOR CONGRESS

This communication is paid for by the

This communication is paid for by the
American Medical Association Political Action Committee (AMPAC)
1401 Vermont, NW, Washington, D.C. 20005
and is not authorized by any candidate or Candidate's Committee.

(24)

Bulk Rate
U.S. Postage
PAID
AMPAC

4 #

CAR-RT PRESORT **CR06
DANIEL P. HERBON
3026 WINDSOR DR
ALAMEDA, CA 94501



— DAVE WILLIAMS —

Dave Williams, who is running for Congress in the 9th District, is one of the finest Republican candidates in the country. Dave's priorities include keeping inflation low, reducing the massive federal deficit, finding creative solutions to our education problems and establishing tough sentences for criminals.

Elect Dave Williams to Congress on November 4th.

Republican Leadership for California's Future

24

#5



Governor

GEORGE DEUKMEJIAN



for U.S. Senate

ED ZSCHAU



for Congress

DAVE WILLIAMS

Proposition 61 - Pay Cut Initiative According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers $7 Billion! Its unfair pay cuts would jeopardize the quality of public education and its limits on earned sick and vacation leave would hurt law enforcement and fire fighters.	NO
Proposition 62 - Local Tax Reform Recently some 108 local governments have raised taxes by more than $300 million without approval of local taxpayers. A YES vote on Proposition 62 gives back your right to vote on any tax increases proposed by local government.	YES
Proposition 65 - Toxics Initiative Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in any cleaner water. That's why the California Republican Party and the entire Republican State Legislative Leadership urge a NO vote on Proposition 65.	NO

Bulk Rate
U.S. Postage
PAID
Permit 98
Long Beach, CA

CAR-RT PRESORT **CR06
DANIEL P. KERBOW
3026 WINDSOR DR
ALAMEDA, CA 94501

002 NO. STARK/HAYWARD 10:27 10/29/86

Republicans Agree - Vote YES on 53 & 56 and Vote NO on 61 & 65

Proposition 61

PAY CUT INITIATIVE

NO*

According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers $7 Billion! Its unfair salary cuts and freezes would jeopardize recent progress in improving the quality of public education. Its limits on overtime and use of earned sick and vacation leave would adversely affect sheriffs, police officers and fire fighters, who often work long hours to protect the public. Prop. 61 would also cut the pay of 90% of the teaching faculty at state university medical schools as well as researchers in such important areas as cancer and organ transplants. Finally, Prop. 61 would drive important research activity out of California, taking high technology industries and private sector jobs with it. **California simply cannot afford Proposition 61.**

Richard P. Simpson
California Taxpayers Assn.

Bill Honig, Superintendent of Public Instruction

Proposition 65

TOXICS INITIATIVE

NO*

In the past four years Governor George Deukmejian has signed over 100 new laws to clean up our environment and the toxics clean-up budget has increased nearly 150%. Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in cleaner water. As the leading Republican Legislator on the Assembly Environmental Safety and Toxic Materials Committee, I urge you to join the California Republican Party and the entire Republican State Legislative Leadership in opposing Proposition 65, the Toxics Initiative. Please vote NO on Proposition 65 on November 4th.

Cathie Wright
Member of the Assembly,
37th District

Proposition 53

SCHOOL BUILDINGS

YES*

In recent years, California has made great strides in improving its elementary and secondary schools. To keep up the momentum for improvement in the schools, children need adequate classrooms, science laboratories and libraries a more demanding curriculum requires. Moreover, California's school population is growing again. In many areas of the state, classrooms are badly overcrowded. Over the next five years California will need to provide classrooms for nearly 450,000 new students. Older schools also need to be repaired and made safer. To continue the progress for educational excellence, every California child needs to be assured of a safe, uncrowded classroom. Proposition 53 will benefit school children throughout the state and for years to come.

Governor George Deukmejian

Bill Honig, Superintendent of Public Instruction

Proposition 56

STATE COLLEGES & UNIVERSITIES

YES*

California has one of the most respected systems of higher education in the world but the construction of needed facilities has not kept pace with the demands of recent times. There is an enormous backlog of projects urgently needed to maintain the quality of California's higher education programs. New and renovated classrooms, libraries and laboratories are needed in order to keep pace with population growth. Older buildings need to be brought into compliance with new earthquake, fire and other safety regulations. State of the art instructional and research laboratories are essential to adequately train Californians for high tech and other jobs necessary to the state's future. Proposition 56 will help provide these needed facilities.

Governor George Deukmejian

David P. Gardner, President, University of California

Published by the Michael D. Meyers Co., Inc., 415 W. Foothill, #118, Claremont, CA 91711, and authorized by the Ed Zschau for U.S. Senate Committee but not authorized by any other federal candidate or federal candidate's committee. Contributing to the cost of this mailing: all candidates and ballot measures with an asterisk (*) by their names and the American Medical Association Political Action Committee (AMPAC). The candidates whose committees paid for or authorized this mailing have endorsed or opposed each of the ballot measures endorsed or opposed on this slate. The ballot measure committees which have paid to appear on this slate have not endorsed or opposed the candidates appearing on this slate.

12
10/29/86 10:26 STARK/HAYWARD NO. 006 001

#6

Oct. 8, 1986

Pete/Bill:

On Tuesday, Oct. 7, Jay Sondheim of KTVU advertising department called the district office to ask whether Pete had agreed to share the cost of producing a debate between Pete and Dave Williams between 7 and 8 p.m. Saturday, Oct. 25. The call was given to me and I told him "no," etc.

I called Sondheim today to confirm what transpired, and he told me:

Williams called him last week to learn the cost of an hour of time for a debate. Williams said he and Stark had agreed to share the cost and buy time. Jay said okay, it would cost $25,000 (plus production costs) and suggested a time period, subject to the station manager's approval.

Jay called Williams back Tuesday to see if he was still interested and mentioned that he planned to contact Stark's office. Williams then said the money was actually coming as a grant from the AMA to the League of Women Voters, which would conduct the debate.

Jay said this changed the complexion of things, since the station doesn't have to give access to an outside group and "We're not about to have a debate at all if someone else is buying time. We're not that interested." — fk

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: THE COMMISSION

FROM: MARJORIE W. EMMONS/ JOSHUA MCFADDEN

DATE: FEBRUARY 12, 1987

SUBJECT: MUR 2272 - AMENDMENT

The attached has been circulated for your information.

Attachment

25

87040655687

Attachment(s) _____

to 2/12/81 Memo

~~have been~~ removed from this

position in Public Record File.

See Index Item(s) 24

87040552698

plm

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

February 13, 1987

The Honorable Pete Stark
c/o the Pete Stark Re-Election Committee
Post Office Box 5303
Oakland, California 94605

Re: MUR 2272

Dear Congressman Stark:

On October 29, 1986, the Federal Election Commission received a complaint from you in the above captioned matter. On February 10, 1987, the Commission received your amendment to this complaint.

You will be notified as soon as the Commission takes final action on your complaint. Should you 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 the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2272. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon, Docket Chief, (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

26a

8704065268 9

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1987

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Rick C. Zimmerman, Esquire
Hassard, Bonnington, Rogers & Huber
Five Freemont Center
50 Freemont Street, Suite 3400
San Francisco, CA 94105

RE: MUR 2722
California Medical Association

Dear Mr. Zimmerman:

On October 29, 1986, you were notified that the Federal Election Commission received a complaint from Representative Pete Stark alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. You were also given a copy of the complaint and informed that your response to the complaint should be submitted within fifteen days of your receipt of the notification.

On February 10, 1987, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Amendment to Complaint

26 b

3704055690

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1987

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Diane Elan Wick
Nielsen, Hodgson, Parrinello & Mueller
650 California Street
San Francisco, California 94108

RE: MUR 2272
California Medical Political Action Committee and Donald Gartman, as treasurer

Dear Ms. Wick:

On October 29, 1986, you were notified that the Federal Election Commission received a complaint from Representative Pete Stark alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. You were also given a copy of the complaint and informed that your response to the complaint should be submitted within fifteen days of your receipt of the notification.

On February 10, 1987, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Amendment to Complaint

26C

8704052691

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1987

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

Philip N. Lyons, Esquire
Taylor Building, Suite 101
250 Juana Avenue
San Leandro, California 94577

RE: MUR 2272
The Williams for Congress Committee and David M. Williams, as treasurer

Dear Mr. Lyons:

On October 29, 1986, you were notified that the Federal Election Commission received a complaint from Representative Pete Stark alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. You were also given a copy of the complaint and informed that your response to the complaint should be submitted within fifteen days of your receipt of the notification.

On February 10, 1987, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Amendment to Complaint

26d

8704055692

plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1987

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

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

RE: MUR 2272
American Medical Association
American Medical Association
Political Action Committee
and Peter D. Lauer, as
treasurer

Dear Mr. Miller:

On October 29, 1986, you were notified that the Federal Election Commission received a complaint from Representative Pete Stark alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. You were also given a copy of the complaint and informed that your response to the complaint should be submitted within fifteen days of your receipt of the notification.

On February 10, 1987, the Commission received a letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter. As this letter is considered an amendment to the original complaint, you are hereby afforded an additional 15 days in which to respond to the allegations.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Amendment to Complaint

26 2

9704055269 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 13, 1987

Jack McDonald, Treasurer
National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

RE: MUR 2272

Dear Mr. McDonald:

On October 29, 1986, the Federal Election Commission received a complaint from Congressman Pete Stark. On February 10, 1987, the Commission received an amendment to this complaint. Based upon a reading of the complaint and the amendment, they appear to allege violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the National Republican Congressional Committee and you, as treasurer. Copies of the complaint and amendment are enclosed. We have numbered this matter MUR 2272. 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 you and the National Republican Congressional Committee in 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.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200. For your

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8704052694

information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Amendment
Procedures
Designation of Counsel Statement

87040652693

26f

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 19, 1987

MEMORANDUM

TO: CHARLES STEELE
GENERAL COUNSEL

ATTENTION: PATTY REILLY

FROM: OSCELYN A. ANDERSON
COMPLIANCE CLERK
COMPLIANCE BRANCH, REPORTS ANALYSIS DIVISION

SUBJECT: MUR 2272

Please review the attached Request for Additional Information which is to be sent to California Medical PAC for the 30 Day Post-General Report. If no response or an inadequate response is received, a Second Notice will be sent.

Any comments which you may have must be forwarded to RAD in writing by 3:00 p.m. on Monday, February 23, 1987.

If comments are not received in writing by the above date and time, the RFAI notice will be sent.

If you have any questions, please contact Oscelyn A. Anderson at 376-2490. Thank you.

COMMENTS:

Attachment

27

MUR#2781
RECEIVED BY FEC
HAND DELIVERED
87 FEB 25 A11 : 13

LAW OFFICES OF
NIELSEN, HODGSON, PARRINELLO & MUELLER
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SACRAMENTO
1030 FIFTEENTH STREET, SUITE 250
SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 446-6752

THE HARTFORD BUILDING
650 CALIFORNIA STREET, SUITE 2650
SAN FRANCISCO, CALIFORNIA 94108
TELEPHONE (415) 989-6800

FILE NUMBER
6205.02

February 24, 1987

87 FEB 25 P3:10
RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2272

Dear Mr. Steele:

This letter is in response to your letter dated February 13, 1987 that provides our client, California Medical Political Action Committee ("CALPAC"), fifteen days to respond to the amended complaint filed by Congressman Pete Stark in the above-referenced matter.

1. Complainant has again failed to provide any facts that CALPAC arranged, coordinated, directed or participated in any way with AMPAC's expenditures in the Ninth Congressional District campaign.

As with his original complaint, complainant has failed to show that a violation of the Federal Election Campaign Act of 1971, as amended, has occurred as the complainant has provided the Commission with no evidence that CALPAC interacted with David Williams. Neither the AMA Newsletter exerpt describing independent contributions by physicians and their spouses to two Congressional campaigns (Exhibit 1 of the amended complaint), nor the two FEC Form 3X summaries (Exhibit 2), nor the two pieces of direct mail (Exhibits 3 and 4), nor the slate mailer (Exhibit 5), nor the memorandum by complainant's staff member (Exhibit 6) evidence any linkage between CALPAC and the American Medical Association with respect to AMA's expenditures in support of David Williams' candidacy.

CCCH2794

RECEIVED BY THE FEC

HAND DELIVERED
87 FEB 26 AM :

AMERICAN MEDICAL ASSOCIATION

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

CORPORATE LAW DIVISION

LESLIE J. MILLER
Senior Attorney
645-4608

February 24, 1987

87 FEB 26 P 3:05

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR2272

8704035638

Dear Mr. Steele:

This letter is in response to your letter of February 13, 1987 and the allegations contained in Representative Stark's letter of February 9, 1987. The American Medical Association ("AMA") and the American Medical Political Action Committee ("AMPAC") believe that Representative Stark's latest letter does not allege any facts which, even if true, would establish a violation of the Federal Election Campaign Act ("FECA"), and that the Commission should therefore take no action against either of them.

Before going into Representative Stark's specific allegations, I would like to comment briefly on his statement regarding the nature of the case. According to Representative Stark, the case "involves a large 'independent expenditure' against me and on behalf of Mr. Williams."[1] AMPAC agrees that its independent expenditures were on behalf of Mr. Williams, but does not consider them to be "against" Representative Stark. As you are aware, there has been considerable controversy over and criticism of "negative" independent expenditures which attack a candidate. AMPAC policy requires that all independent expenditures be positive -- i.e., they support a specific candidate and not attack that candidate's opponent. None of AMPAC's expenditures on behalf of Mr. Williams attacked or even mentioned Representative Stark. Since saying the expenditures were against Representative Stark could imply that they were negative expenditures, AMPAC does not consider Representative Stark's description to be accurate.

In addition, Representative Stark does not clearly distinguish between the AMA and AMPAC in his letter. All expenditures on behalf of

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[1]AMPAC's independent expenditures on behalf of Mr. Williams totalled $252,216.05.

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Mr. William were made by AMPAC, which is the separate segregated fund of the AMA. Thus, references to the "AMA campaign" and "AMA mailings" are incorrect.

Representative Stark's first allegation concerns alleged "'bundling' of smaller checks from AMA members." This allegation relates to an AMPAC mailing to AMPAC members suggesting that they send contributions to Mr. Williams and to Jim Eynon, who was challenging Representative Andrew Jacobs. The mailing included envelopes addressed to Mr. Williams' and Mr. Eynon's campaign committees and requested that contributions be sent directly to the candidate's respective committees.[2] The mailing also included a card which the contributor could return to let AMPAC know the amount of the contribution. Based on the cards which were returned, AMPAC believes that Mr. Williams received approximately $30,000 from AMPAC members. AMPAC does not know whether the other physicians who did not return the card sent contributions to Mr. Williams.

It is difficult to know what point Representative Stark is trying to make with the "bundling" allegation. He does not allege that AMPAC's mailing was in any way improper or that it was in any way connected with Mr. Williams' campaign. The last sentence on page 1 of his letter seems to imply that some of the contributors may have had some connection with the Williams campaign and may have provided some suggestion to the AMA regarding support for Mr. Williams.[3] Although the mailing did ask recipients to let AMPAC know if they made a contribution to Mr. Williams and/or Mr. Eynon, it did not ask for any other information or suggest that recipients provide any support, other than contributions, to either candidate. Neither the AMA nor AMPAC has any

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[2]This fact distinguishes this situation from that in AO 1980-46, 1 FED. ELEC. CAMP. FIN. GUIDE (CCH) ¶5508. The National Conservative Political Action Committee ("NCPAC") had proposed a similar mailing, except that the contributions were to be sent to NCPAC. NCPAC would then compile a list of contributors and forward the contributions to the candidate. The Commission held that this would constitute an in-kind contribution rather than an independent expenditure because the candidate's acceptance of the checks from NCPAC would constitute an acceptance of the costs of the mailing. Since in this case the contributors sent the checks directly to Mr. Williams' campaign committee, no acceptance of the cost of the mailing can be said to have occurred.

[3]As with most of his allegations, Representative Stark presents absolutely no evidence to support this statement.

totally irrelevant since neither Mr. Williams nor the Republican committee had any connection with it.[5] (See attached letter from Michael D. Meyers).

Finally, Representative Stark attaches a copy of a memorandum in which an unidentified "campaign consultant" states that he was told by a TV advertising executive that the executive was told by David Williams that money for a debate between Mr. Williams and Representative Stark would come from a grant by the AMA to the League of Women of Voters.[6] Neither the AMA nor AMPAC had any agreements or even discussions with the League of Women voters regarding the Williams campaign or a debate between Williams and Representative Stark. But even if this allegation were true, it would not be relevant. No contact between the AMA or AMPAC and the League of Women Voters could compromise the independence of AMPAC's expenditures on behalf of Mr. Williams unless the League was an agent of the Williams campaign and the expenditures were made at the request or suggestion of, or in consultation or cooperation with, the League. See Section 301(17) of FECA and 11 C.F.R. Section 109.1(a), (b). Representative Stark does not allege that either of these was the case.

In short, Representative Stark's February 9, 1987 letter, like his original complaint, alleges no facts which constitute a violation of FECA and provides no basis for the Commission taking any action against either the AMA or AMPAC.

If you need any additional information, or if I can be of further assistance to you in resolving this matter, please let me know.

Very truly yours,

Leslie J. Miller

Leslie J. Miller

LJM/nrm
Enclosure

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[5]The cost of Mr. Williams inclusion on the slate mailer was paid by AMPAC as an independent expenditure on behalf of Mr. Williams and reported to the Commission as such. Thus, the financing of the mailer meets the requirements set forth by the Commission in AO 1984-62, 1 FED. ELEC. CAMP. FIN. GUIDE (CCH) ¶5813.

[6]This memorandum does not constitute admissible evidence since it is based on at least four levels of hearsay.

3704015700

415 W. Foothill, Suite 118
Claremont, CA 91711
(714) 625-8725

Michael D. Meyers
Company Inc.

February 20, 1987

Mr. Leslie J. Miller, Esq.
Corporate Law Division
American Medical Association
535 N. Dearborn
Chicago, Illinois 60610

Subject: California Republican Slate Mailer

Dear Mr. Miller:

Please find attached a sample of the Republican Slate Mailer referred to in Congressman Stark's amended complaint filed with the Federal Elections Commission.

You will note that the legal disclaimer cites all parties who contributed to the cost of this slate card, specifically:

Yes on Proposition 53 Committee
Yes on Proposition 56 Committee
No on Proposition 61 Committee
Yes on Proposition 62 Committee
No on Proposition 65 Committee
American Medical Association Political Action Committee
Ed Zschau for U.S. Senate Committee

You will also note that the disclaimer states quite clearly that this slate card was authorized by the Ed Zschau for U.S. Senate Committee but not authorized by any other federal candidate or federal candidate's committee. It was not authorized by Mr. Williams or his campaign committee because I never had any communication with Mr. Williams on this or any other subject and I never had any communication with anyone associated with his campaign committee on this or any other subject.

I would like to add that this slate card was produced and mailed as a private venture and no one associated with the Republican National Committee, National Republican Congressional Committee or the California Republican Party was aware of this slate card until after it had been delivered into voters' homes.

Should you have any further questions do not hesitate to call upon me for additional information.

Respectfully,

Michael D. Meyers

MDM/aim

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information as to whether any of the recipients of its mailing had any connection with the Williams campaign.[4] If any recipients of the mailing were involved with the Williams campaign, they did not provide any information about their involvement or about the campaign to either the AMA or AMPAC.

Representative Stark next asks how AMPAC knew Mr. Williams would take the positions attributed to him in two AMPAC mailings. Since AMPAC had no contact with the Williams campaign, it did not know Mr. Williams' position on all these issues. AMPAC chose several issues it knew from opinion polls were of concern to voters in the 9th Congressional District and made assumptions concerning the type of stands a candidate of Mr. Williams' political party and apparent ideological tendencies would take. These assumptions were tested against information about Mr. Williams obtained from press clippings and appeared to be reasonable estimates of what his general approach would be.

It should be noted that the types of positions attributed to Mr. Williams in the AMPAC mailings are quite general: he is said to be for low inflation, reducing the federal deficit, "finding creative solutions to our education problems," tough sentences for criminals, tough new laws to fight crime, fighting drug pushers and illegal drugs, and stopping criminals who defraud senior citizens. Very few politicians are in favor of inflation, high federal deficits, education problems, crime and illegal drugs, or are opposed to "creative solutions" to such problems. The AMPAC mailing did not contain statements regarding specific legislation Mr. Williams would support or specific action he would take to solve these problems, however, since, AMPAC had no information regarding the specific positions Mr. Williams would take.

Representative Stark next alleges that AMPAC's payment of part of the cost of a slate mailer somehow supports the allegation in his original compliant "that there were overlaps between the AMA campaign consultants and the Republican Party's contractors." As I pointed out in my letter of November 12, 1986, the fact that AMPAC consultants who worked on the independent expenditures on behalf of Mr. Williams also worked for Republican committees on unrelated projects in no way affects the independence of the AMPAC expenditures. In any event, the slate mailer cited by Representative Stark is

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[4]Since the mailing was sent to physicians throughout the country, AMPAC suspects that the vast majority had never ever heard of Mr. Williams before receiving the mailing.

Republican Leadership for California's Future



Governor

GEORGE DEUKMEJIAN



for U.S. Senate

ED ZSCHAU



for Congress

DAVE WILLIAMS

Proposition 61 - Pay Cut Initiative

According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers $7 Billion! Its unfair pay cuts would jeopardize the quality of public education and its limits on earned sick and vacation leave would hurt law enforcement and fire fighters.

NO

Proposition 62 - Local Tax Reform

Recently some 108 local governments have raised taxes by more than $300 million without approval of local taxpayers. A YES vote on Proposition 62 gives back your right to vote on any tax increases proposed by local government.

YES

Proposition 65 - Toxics Initiative

Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in any cleaner water. That's why the California Republican Party and the entire Republican State Legislative Leadership urge a NO vote on Proposition 65.

NO

Bulk Rate
U.S. Postage
PAID
Permit #6
Long Beach, CA

29

Republicans Agree - Vote YES on 53 & 56 and Vote NO on 61 & 65

Proposition 61

PAY CUT INITIATIVE

NO*

According to the independent Legislative Analyst, Proposition 61 could cost California taxpayers $7 Billion! Its unfair salary cuts and freezes would jeopardize recent progress in improving the quality of public education. Its limits on overtime and use of earned sick and vacation leave would adversely affect sheriffs, police officers and fire fighters, who often work long hours to protect the public. Prop. 61 would also cut the pay of 90% of the teaching faculty at state university medical schools as well as researchers in such important areas as cancer and organ transplants. Finally, Prop. 61 would drive important research activity out of California, taking high technology industries and private sector jobs with it. **California simply cannot afford Proposition 61.**

Richard P. Simpson
California Taxpayers Assn.

Bill Honig, Superintendent of Public Instruction

Proposition 65

TOXICS INITIATIVE

NO*

In the past four years Governor George Deukmejian has signed over 100 new laws to clean up our environment and the toxics clean-up budget has increased nearly 150%. Proposition 65 is a politically inspired, exemption-filled initiative that would create more problems than it would solve. And it would not result in cleaner water. As the leading Republican Legislator on the Assembly Environmental Safety and Toxic Materials Committee, I urge you to join the California Republican Party and the entire Republican State Legislative Leadership in opposing Proposition 65, the Toxics Initiative. Please vote NO on Proposition 65 on November 4th.

Cathie Wright
Member of the Assembly,
37th District

Proposition 53

(29) SCHOOL BUILDINGS

YES*

In recent years, California has made great strides in improving its elementary and secondary schools. To keep up the momentum for improvement in the schools, children need adequate classrooms, science laboratories and libraries a more demanding curriculum requires. Moreover, California's school population is growing again. In many areas of the state, classrooms are badly overcrowded. Over the next five years California will need to provide classrooms for nearly 450,000 new students. Older schools also need to be repaired and made safer. To continue the progress for educational excellence, every California child needs to be assured of a safe, uncrowded classroom. Proposition 53 will benefit school children throughout the state and for years to come.

Governor George Deukmejian

Bill Honig, Superintendent of Public Instruction

Proposition 56

STATE COLLEGES & UNIVERSITIES

YES*

California has one of the most respected systems of higher education in the world but the construction of needed facilities has not kept pace with the demands of recent times. There is an enormous backlog of projects urgently needed to maintain the quality of California's higher education programs. New and renovated classrooms, libraries and laboratories are needed in order to keep pace with population growth. Older buildings need to be brought into compliance with new earthquake, fire and other safety regulations. State of the art instructional and research laboratories are essential to adequately train Californians for high tech and other jobs necessary to the state's future. Proposition 56 will help provide these needed facilities.

Governor George Deukmejian

David P. Gardner, President, University of California

Published by the Michael D. Meyers Co., Inc., 415 W. Foothill, #118, Claremont, CA 91711, and authorized by the Ed Zschau for U.S. Senate Committee but not authorized by any other federal candidate or federal candidate's committee. Contributing to the cost of this mailing, all candidates and ballot measures with an asterisk (*) by their names and the American Medical Association Political Action Committee (AMPAC). The candidates whose committees paid for or authorized this mailing have endorsed or opposed each of the ballot measures endorsed or opposed on this slate. The ballot measure committees which have paid to appear on this slate have not endorsed or opposed the candidates appearing on this slate.

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
California Medical Association	)	MUR 2272
California Medical Political Action Committee and Donald Gartman, as treasurer, et al.	)	

GENERAL COUNSEL'S REPORT

The Office of the General Counsel received a complaint on October 27, 1986, from Representative Pete Stark. The complaint alleges that the American Medical Association; the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; the California Medical Association; and the California Medical Political Action Committee and Donald Gartman, as treasurer, have made excessive in-kind contributions to the Williams for Congress Committee under the guise of independent expenditures. Additionally, the complaint alleges the Williams Committee violated 2 U.S.C. § 441a(f) by accepting these alleged excessive contributions. All respondents were notified of the complaint. Following Commission-approved extensions, all respondents submitted timely responses.

On February 10, 1987, this Office received an amendment to the complaint. All respondents were notified and were afforded the required 15 days to respond to this amendment. After these responses are received, this Office will report to the Commission with appropriate recommedations.

Charles N. Steele
General Counsel

2/27/87
Date

By: Lois G. Lerner
Associate General Counsel

30

8704065270

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel RD

DATE: March 2, 1987

SUBJECT: MUR 2272 - General Counsel's Rpt.

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

Open Session _____

Closed Session _____

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

_____ _____

_____ _____

_____ _____

_____

31

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RECEIVED AT THE FEC
GCC#2825
87 MAR 3 P12:02

LAW OFFICES OF
PHILIP N. LYONS
TAYLOR BUILDING, SUITE 101
250 JUANA AVENUE
SAN LEANDRO, CALIFORNIA 94577
TELEPHONE (415) 483-2255

February 26, 1987

87 MAR 3 P2:43
RECEIVED
FEC
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Elections Commission
999 E St., N.W. Room 613
Washington, D.C.

Re: MUR 2272
Stark/AMA et al and Williams for Congress

Dear Mr. Steele:

Enclosed please find the response of David Williams to that letter from Stark dated February 10, 1987 together with attachments thereto. If there are any further questions or we can provide any additional information please advise. Thank you.

Very truly yours,

PHILIP N. LYONS

PNL/asl
Enclosures
CC: David Williams

8704065707

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428
(415) 449-4469

February 24, 1987

To Whom It May Concern:

This statement is in response to Mrs. Lois G. Lerner's letter of February 13 on MUR 2272 and its attachments which I received today at about 2:30 P.M.

Congressman Stark won the 1986 election with 112,592 votes to 48,695 for me. The gerrymandered district has a 29 percent Republican registration. According to the FEC records through November 24, 1986, $529,734 was spent on Stark's 1986 primary and general election campaigns and $52,043 total on Williams'. The independent expenditure by AMPAC was $253,302.

I first learned of the independent expenditure on July 8 from a newspaper reporter, Mr. Sam Delson of the Alameda Newspaper Group. I had no prior contact with the AMA. As I was unfamiliar with independent expenditures, I immediately obtained the FEC leaflet, copy attached, and kept to the rules to this day. In addition to being the candidate, I managed my own campaign and was the sole agent for Williams for Congress.

I did not accept one penny of PAC money while Stark has accepted over $600,000 of PAC contributions. I believe that campaign financing reform is necessary and a prerequisite for substantial reduction of the national debt and deficits.

The dominant issue in the election was the independent expenditure whose true nature was little understood by many voters. Please refer to the attached copies of newspaper clippings. Eight days before election day, Stark filed a complaint with the FEC. To the best of my knowledge, the local newspapers received the undated complaint before the FEC did. Although the allegations about Williams for Congress were false, they were widely reported and cost us votes.

I did receive contributions from individual doctors within the $1,000 limit. Corporate checks were returned.

The AMPAC mailings and radio ads (which I never heard) used a poor photograph of me that was taken by "The Valley Times". Their statements as to my positions were partially accurate and may have been partially extracted from my newspaper interviews,

circulars, direct mail, letters to the editor, press releases, and speeches. I do not know how AMPAC determined their copy. I was not consulted by and did not coordinate with them at any time in any way.

On the day following the incumbent's primary victory, I challenged him to debate. Please refer to the attached file on the debates that did not take place. After the League of Women Voters failed to secure an hour of free time on KTVU, I asked several channels their cost for an hour of air time. The least cost was KICU for $8,500 which Stark rejected. Mr. Delson was to have been involved in the debate and commented that maybe the AMA would pay for the debate and that he might try to arrange it which he did not. I mentioned this to Mr. Sondheim of KTVU. Election reform could include mandatory televised debates to better support the checks and balances that have helped to make America great.

Currently, I am one of the plaintiffs in a lawsuit to end gerrymandering C-83-112 6 RHS in the United States District Court for the Northern District of California. I also am attempting to collect $3,658.28 from the Alameda Newspaper Group for the cost of circulars that it did not properly distribute.

I am disappointed with the slowness of the FEC in clearing me of these false allegations. It's not good to be publicly branded as a lawbreaker, and it is not good for one's family, health and business. I believe that Mr. Stark is endeavoring to drag it out. Please refer to the October 29, 1986 letter from Mr. Lyons to Mr. Stark warning him about libel and violation of the state constitution.

Mr. Stark has a large staff to use which is paid for by the taxpayers. As a member of the Ways and Means Committee from a gerrymandered district, he easily raises large amounts of money from special interest groups. He is a millionaire who was formerly married to a wealthy woman.

Perhaps middle income citizens who advocate election reform and call attention to the incumbent's missed votes, moonlighting, and lack of district service, are to be made an example of. In my judgment the troglodytes could learn a lesson about greed and abuse of our electoral process from Mr. Stark.

Signed,

David M. Williams

enclosures

32

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428

June 4, 1986

U.S. Representative Fortney H. Stark
United States Congress
1125 Longworth Building
Washington, D.C. 20515

Dear Congressman Stark:

Congratulations on your victory in the primary election.

The purpose of this letter is to challenge you to three open debates for the general election of our district. They could take place in the district in September and October according to your schedule.

The debates would be in the finest American traditions of both our political parties and serve the purpose of informing the voters.

It is my understanding that debates of past elections for the ninth California Congressional District have not been telecast or broadcast. In order to serve the purpose of informing the electorate, our debates should be telecast and simultaneously broadcast with the reporters and newspersons asking questions.

Please advise so we can work out the details.

Very truly yours,

David M. Williams
Congressional Candidate

cc:Press, TV & Radio

32

Ninth District of Alameda County including all of Alameda, Castro Valley, Dublin, Hayward, Livermore, Pleasanton, San Leandro, San Lorenzo, Sunol, and parts of Oakland and Union City.

Stark agrees to face GOP challenger

By Sam Delson
Staff writer

Rep. Pete Stark Tuesday accepted a challenge to debate his Republican opponent.

"I would be most happy to participate," Stark, D-Hayward, said in a letter mailed to GOP nominee David Williams of Livermore Tuesday afternoon.

"The opportunity to discuss the issues in a forum which contributes to insight rather than emotion is always welcome and should be a service to the people of the 9th Congressional District," Stark said.

The district includes Alameda, Castro Valley, Dublin, Hayward, Livermore, Pleasanton, San Leandro, San Lorenzo and parts of Oakland and Union City.

Williams sent Stark a letter last Wednesday challenging the veteran congressman to a series of three debates in September and October, but Stark said he did not receive the request until Tuesday.

The congressman did not commit himself to a specific format, but said he would prefer one long debate to the three sessions that Williams requested. He also recommended that the League of Women Voters or representatives of the news media moderate the debate.

Stark did not debate Republican nominee J.T. Eager Beaver in 1984, but participated in several joint appearances with GOP candidate Bill Kennedy in 1980 and '82.

"Eager didn't challenge me because he said he agreed with me on all the issues except his project to dam the Bay," Stark said.



Incumbent Pete Stark



Challenger David Williams

The congressman claimed his debates with Kennedy "were not useful" because the challenger "subjected me to personal attacks."

But Stark agreed that issue-oriented bipartisan debates have merit.

Williams had requested that the debates be televised live, but Stark questioned whether there would be sufficient interest in the race for broadcasters to offer free air time.

STARK CHALLENGED TO DEBATES

David Williams, Republican from Livermore who will be seeking to unseat Congressman Pete Stark in the November election, has sent Stark a letter challenging him to three debates in September and October.

"The debates would be in the finest American traditions of both our political parties and serve the purpose of informing the voters," wrote Williams in a letter sent the day after the June 3 primary.

32

Congressman

PETE STARK

Democrat

June 10, 1986

Mr. David M. Williams
1560 Kingsport Avenue
Livermore, CA 94550

Dear Mr. Williams:

Thank you for your letter of congratulations and the suggestion for a series of debates. The opportunity to discuss the issues in a forum which contributes to insight rather than emotion is always welcome and should be a service to the people of the 9th Congressional District.

I will be most happy to participate, subject to the need to attend to Congressional business in Washington. Given the many issues before the Congress, I cannot make a firm date commitment before the week of October 12th. As we get closer to an adjournment date, I may be able to move this date forward.

In the past, I have found that the League of Women Voters has done an excellent job of arranging and managing debates in a fair, open, and bipartisan manner. I would like to suggest that we ask the League to take on this project.

If this is acceptable to you, I would suggest that we forward this letter and your letter of June 4th to the League and request that they suggest a plan of appropriate events.

Sincerely,

Pete Stark

Fortney H. (Pete) Stark
United States Congressman

POSTAGE PAID

8704065271 2

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428

June 27, 1986

U.S. Representative Fortney H. Stark
United States Congress
1125 Longworth Building
Washington, D.C. 20515

Dear Congressman Stark:

Thank you for your letter of June 10. Please excuse my delay in replying which is due to travel.

You mentioned to Mr. Delson that you would prefer one long debate rather than my suggestion of three one hour sessions. Perhaps we can compromise with two sessions. It's difficult for some to hold their attention for longer than one hour.

I suggest that three newspersons ask unrehearsed questions at each debate. In addition to Mr. Delson, we would need to locate 5 additional newspersons who are acceptable to us both. By copies of this letter I am requesting reporters and newspersons from newspapers, radio, and television who desire to participate to contact us both by letter.

We will not be informing many voters unless the debates are telecast and broadcast. The first debate could be taped early September during one of your visits to the district, and then telecast and broadcast Tuesday, September 30 at 8 P.M. The second debate could be conducted live on Tuesday, October 14 at 8 P.M. following the adjournment of Congress. Again by copies of this letter, I am requesting the stations to advise us both by letter of their most competitive rates so we can choose between them.

I agree with your suggestion to involve The League of Women Voters. I also agree that they do a good job in helping to inform the voters in a fair, open, and bipartisan manner. Copies of our letters and "The Daily Review" and "The Independent" newsreports have been sent to Mrs. Huie.

Last week my wife and I visited the White House and President Reagan offered some advice on television appearances.

Sincerely,

David M. Williams
Congressional Candidate

cc:Press, TV and Radio
Mr. Sam Delson, Staff Writer, The Daily Review
Mrs. Alice Huie, President, The League of Women Voters

32

3704055715

THE TRIBUNE
P.O. BOX 24304 (409 13th ST.) OAKLAND, CA 94623 (415) 645-2000

July 8, 1986

David Williams
1560 Kingsport Avenue
Livermore CA 94550

This is to inform you that I am interested in participating in congressional debates between you and Rep. Pete Stark.

Sincerely,

Vicki Haddock

Vicki Haddock
The Tribune

cc: Pete Stark
file

32

87040527114

Congressman

PETE STARK

Democrat

July 28, 1986

Mr. David M. Williams
Congressional Candidate
1560 Kingsport Avenue
Livermore, CA 94550

Dear Mr. Williams:

My turn to apologize for a late response! It has been busy. If you are back here again, please **do** come by the office--we give a tour of the Capitol to Republicans and Democrats alike!

I would certainly be open to any newspersons you suggest. Delson is fine. I see Vicki Haddock has asked to participate; I've found her to be very solid. Ken Kaufman of the Alameda Time Star might be worth asking. I would note that the League often likes to take questions from the floor, and that would be fine with me also. You are correct: an hour is about all that is advisable at one sitting.

As to the electronic media, the more the better and we should certainly invite them all. I would just warn that we shouldn't get our hopes up too high. Since most of them are in the Bay Area market, which covers 9 Congressional Districts, they tend not to devote a full public service hour to one race's debate. Cable TV may provide "gavel to gavel" coverage as a public service. I mention public service, because your letter seems to indicate that we might pay for such coverage? Given the huge market in the Bay area, to pay for coverage would be prohibitively expensive and inefficient in reaching the one out of nine in the market who live in the 9th District. I must advise that my campaign committee would not pay for coverage.

I can set a date anytime after October 13th, and the 14th would be acceptable to me. September dates remain very, very uncertain because of the budget/tax reform situation. I will know by August 15th if some solid September date is possible. We must agree on a list of topics to be debated. If you will send me your suggestions (e.g., foreign aid, Central America, welfare reform, tax policy, national defense, etc.) I will respond. It will help everyone prepare for an interesting debate.

Sincerely,

Pete Stark

POSTAGE PAID

Pete Stark Re-Election Committee • Post Office Box 5303 • Oakland, California 94605 • Charles Kline, Treasurer • I.D. No. 044423

32

The Valley Times

A division of Lesher Communications, Inc

P.O. Box 607, Pleasanton, Ca. 94566 (415) 462-4160

July 31, 1986

David Williams
1560 Kingsport Avenue
Livermore, California 94550

Dear Mr. Williams:

As we have discussed I would be interested in participating in the debate or debates between you and Rep. Fortney Stark this fall. As you know I am covering your race for The Valley Times and I have already written a number of articles on the upcoming election.

Please let me know at your earliest convenience whether this would be possible.

Thank You.

Sincerely,

Rachele Kanigel

Rachele Kanigel

C 7 0 4 0 3 5 5 2 7 1 9

Dailies: Contra Costa Times • Valley Times • West County Times
Affiliated Dailies: Daily Ledger • Post Dispatch
CATV: Video Times

Weeklies: Contra Costa Sun • Valley Pioneer • This Week • Times Plus
Affiliated Weekly: Delta Advertiser

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428

August 18, 1986

U.S. Representative Fortney H. Stark
United States Congress
1125 Longworth Building
Washington, D.C. 20515

Dear Congressman Stark:

Thank you for your letter. I've spoken to Mrs. Huie of The League of Women Voters. They will have a meeting among their chapter presidents shortly after Labor Day.

Mrs. Huie indicated that there is a possibility of KTVU-2 at no fee which will be good if we are to succeed in informing a sizeable number of voters on the issues.

Each of us will have opening and closing statements. For most of the debate(s) we would be answering questions posed by the reporters, newspersons, and audience members and responding to each other. I believe that the questioning should be free and open. Gorbachev gets his questions in advance, Reagan does not. We'll talk about taxes, defense etc., but it is not possible to predict what will be foremost in the minds of voters in mid-October.

We will work out mutually agreeable rules of conduct and etiquette.

Ms. Rachel Kanigel of The Valley Times is my choice of reporter. Perhaps you will want to choose between Ms. Vicki Haddock of The Tribune and Mr. Sam Delson of The Alameda Newspapers, which now include the Alameda Times Star in addition to The Daily Review and Tri-Valley Herald. The third newsperson could come from the television channel.

Please have Mrs. Huie and myself informed by telephone as the House schedule becomes known.

Sincerely,

David M. Williams
Congressional Candidate

cc:Mrs. Alice Huie, President
The League of Women Voters of Alameda
1439 Fifth
Alameda, CA 94501
(415) 523-5125

KICU TV 36
SAN JOSE

August 20, 1986

Mr. David Williams
1560 Kingsport Avenue
Livermore, CA 94550

Dear Mr. Williams:

In response to your phone inquiry on August 8, 1986, with the information provided me and our production personnel our bid for your debate is $2,500 for production and $3,000 for each half hour block of airtime. Dates and times to be agreed upon by all concerned. Thank you for considering KICU-TV 36 for this debate between you and Fortney Stark of the Ninth Congressional District.

Sincerely,

Tom Boland
Account Executive

TB/cm

8704065271 8

P.O. Box 36 San Jose, CA 95109 STUDIOS: 1585 Schallenberger Road San Jose, CA 95131 (408) 298-3636

Congressman

PETE STARK

Democrat

August 22, 1986

Mr. David Williams
1560 KIngsport Avenue
Livermore, CA 94550

Dear Mr. Williams:

The adjournment date is still uncertain. I will call when it is more certain.

Your letter of August 18 seems to say that we only get to pick one reporter each? I think the purpose of this debate is to get the maximum coverage possible, and I couldn't pick between Delson and Haddock--they are both important and both highly competent. Let's get as many reporters there as possible. But if we invite the press generally, we can't tell some of them we won't allow them to ask questions.

I hope you can clarify your thinking on this point.

Sincerely,

Pete Stark

Portney H. (Pete) Stark

3704055279

western union

Telegram

MESSAGE NUMBER	ORIGINATING OFFICE	DATE	FILING TIME
1-007852A276	WASH DC	10-3	1:39

TO: DAVID WILLIAMS

ADDRESS: 1560 KINGSPORT AVE

CITY – STATE & ZIP CODE: LIVERMORE CA. 94550 PHY DLR.

DEAR MR. WILLIAMS:
THE PRESIDENT HAS THREATEN TO VETO THE CONTINUE BUDGET RESOLUTION REQUIRE TO FUND THE GOVERNMENT AND MAINTAIN SOCIAL SECURITY PAYMENT BECAUSE HE BELIEVES THE CONGRESS IS NOT SPENDING ENOUGHT MONEY ON FOREIGN AID AND WEAPON. AS A RESULT, THE SCHEDULED ADJURNMENT OF OCTOBER 3RD HAS BEEN SUSPENDED. HOUSE AND SENATE LEADERSHIP CANNOT PREDICT WHEN ADJURNMENT WILL OCCUR BECAUSE OF THE IMPORTANT OF THE PENDING VOTE, I REGRET I WILL NOT BE ABLE TO LEAVE WASHINGTON TO MAKE THE DEBATE ON OCTOBER &, 10 86 . AS SOON AS THE ADJURNMENT

SIGNED:

WU5274 (4-75)

8704055 2 7

western union

Telegram

MESSAGE NUMBER	ORIGINATING OFFICE	DATE	FILING TIME
1-007852A276	WASH DC	10-3	1:39PME

TO: DAVID WILLIAMS

ADDRESS:

CITY – STATE & ZIP CODE:

DATE IS SET, I WILL LET YOU KNOW.
SINCERELY,

PETE STARK

SIGNED: OPR 426 12:15PDT

WU5274 (4-75)

The Daily Review
Saturday, October 4, 1986

Stark turns thumbs down to TV debate with Williams

U.S. Rep. Pete Stark and challenger Dave Williams tangled Friday over arrangements for their campaign debate, with Williams asking Stark to pay for an hour of commercial television time, while Stark preferred a less-expensive format.

Both men say they are eager to debate, but they have been unable to make mutually acceptable arrangements. Williams has insisted that the debate be televised, while Stark has said a non-televised format would be equally satisfactory.

Williams, a Livermore packaging executive, received word on Friday that Channel 2 would not offer free air time for the debate. He then made tentative arrangements with Channel 36 to buy an hour of time on Oct. 19 for $8,500.

The challenger asked Stark to split the cost of the debate, and also sought contributions from other sources. But Stark spokesman Bill Vaughan said the congressman would not pay for the television debate.

"I'm sure Pete's not going to want to spend $4,250 just to be on TV at 10 o'clock on a Sunday night," Vaughan said.

He said Stark would be eager to participate in the televised panel as long as someone else paid for it. Stark debated challenger Bill Kennedy six times in 1980 and 1982 but none of the sessions were televised.

Williams insisted that Stark could easily afford to finance the television time, but Vaughan said the congressman is avoiding unnecessary expenditures because he wants to pay off $35,000 in outstanding debts.

8704055721

Williams, Stark can't agree on TV debate

By Rachele Kanigel
Staff writer

U.S. Rep. Fortney "Pete" Stark may not debate his Republican challenger Dave Williams because the two politicians cannot agree on whether the tentatively planned event should be televised.

Stark, an Oakland Democrat, had originally accepted Williams'

✓ Story on race
— Page 4A

challenge to a televised debate, but he declined after he learned he would have to pay $4,250 — half the $8,500 cost of production and one hour of airtime on KICU-TV Channel 36 — for the privilege.

"I said, 'Hell, no,'" said Stark, the seven-term congressman representing the 9th Congressional District.

"If I am going to pay for TV, I'd rather spend it on commercials to counter the (radio) commercials the

Please see **DEBATE**, Page 2A

DEBATE

From Page 1A

(American Medical Association) is running for Williams." The AMA political action committee has spent more than $200,000 promoting Williams in billboards, signs and radio spots in an effort to unseat Stark.

Williams, a newcomer to electoral politics, said he pursued free airtime on Channel 2 but received word earlier this month that the station would not provide free time for the debate. He also contacted channels 36 and 44. Air time for an hour on Channel 44 would cost $18,000 or $23,000 with production costs.

He said trying to arrange a debate on cable television would be a waste of time because "no one would see it" and the different regions in the district are served by different cable companies.

Stark said he "would be happy" to debate Williams at a public forum, on cable television or on commercial television provided he doesn't have to pay for television time.

"I think he's being picky," the congressman said of his opponent. "I don't think I've ever been on television in a debate except when the television station sponsored it."

Williams, a self-employed Livermore packaging executive, said he is not sure if he will pursue a public debate if it cannot be televised.

"Why do it if you're not going to reach the voters?" he said. "By holding out for television I'm looking out for the best interest of the voters. Debates are the best way I know of to communicate with the voters."

Williams said a televised debate is particularly important in this race because the AMA's support for him has overshadowed the major campaign issues.

"This campaign has come down to Stark calling the AMA greedy cavemen, and the AMA putting up signs for me," he said. Williams was referring to a comment Stark made in which he likened AMA officials to troglodytes, a term for prehistoric cave dwellers. "It would be nice for the voters to know how we stand on the real issues."

Williams said he and Stark are scheduled to speak at a candidates forum at noon Monday at the Livermore Holiday Inn, but that doesn't substitute for a debate. Channel 30, Viacom Cablevision's public access channel, will tape the forum, which will be shown at 9 p.m. Monday and 9 p.m. Oct. 31, said Jim Burt of Viacom.

Jean Askham, voter service director of the League of Women Voters of California, said debates between congressional candidates on commercial television are unusual.

"I've never heard of a situation where candidates chipped in and paid for airtime so the debate would be televised," she said.

Williams said the difficulties he experienced in setting up the debate with Stark has provided him with inspiration for new legislation. If he is elected, he said, he will introduce a law to make debates mandatory for congressional candidates.

Stark described the idea for a mandatory debate law as "outlandish."

"How is he going to write that law? I don't think you can make debates mandatory any more than you can make press coverage mandatory."

32

KBHK TV44

420 Taylor St
San Francisco Ca 94102
415 885-3750

8704052723

October 7, 1986

David Williams, Candidate for Congress
(9th Congressional District)
1560 Kingsport Avenue
Livermore, CA 94550

Dear Mr. Williams:

As a follow-up to my phone call today, I wanted to reiterate our response to your request to purchase air time for a live debate with Fortney Stark:

DATE/TIME: Saturday, 10/25 or 11/1, 10-11PM, or a M-F 10-11PM, 10/20-10/24 or 10/27-10/31 (as time is available).

PRICE: $23,000 (this price includes production). Price without production is $18,000.

Mr. Williams, if you do intend to air your debate with us, we need enough lead time to do the best job possible.

Sincerely,

Richard Doutré Jones
Local Sales Manager

RDJ/jdh

cc: Bob Qudeen
Heather Farnsworth

32

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Donald Gartman, Treasurer
California Medical Political Action
Committee
44 Gough Street
San Francisco, CA 94103

Identification Number: C00003194

Reference: 30 Day Post-General Report (10/1/86-11/24/86)

Dear Mr. Gartman:

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 calculations for Lines 11(a) through 18 appear to be incorrect. Please provide the corrected total(s) on the Detailed Summary Page.

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) 376-2480.

Sincerely,

Mike Tangney

Mike Tangney
Reports Analyst
Reports Analysis Division

27

MUR # 2823
RECEIVED AT THE FEC
HAND DELIVERED
87 MAR 3 AM 9:43

HASSARD, BONNINGTON, ROGERS & HUBER
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
FIVE FREMONT CENTER
50 FREMONT STREET, SUITE 3400
SAN FRANCISCO, CALIFORNIA 94105

TELEPHONE
(415) 543-6444

RAPICOM FAX
(415) 543-6401

ARTLEY M. PEARL
(1880-1954)
GUS L. BARATY
(1884-1966)
ALAN L. BONNINGTON
(1922-1972)

March 2, 1987

FEDERAL EXPRESS

Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E Street, N.W., Room 613
Washington, D.C. 20463

RECEIVED
87 MAR 3 P2:43
GENERAL COUNSEL

Re: MUR 2272

Dear Ms. Lerner:

Thank for your letter of February 13, 1987 and for providing a copy of Congressman Stark's letter of February 9, 1987 and the various attachments.

There are no specific facts alleged in the February 9, 1987 letter to justify any action by the Commission with respect to CMA. This letter fails to allege that CMA took any action with respect to the Williams campaign. Indeed, the letter does not even mention CMA, excpet to list CMA along with others in the opening paragraph.

As indicated in previous correspondence, Congressman Stark has failed to provide sufficient information to show that a violation of the Act by CMA has occurred and as a result CMA repeats its request that the investigation be closed with the finding that there is no reason to believe there has been a violation by CMA.

Please continue to maintain the confidentiality of this matter insofar as CMA is concerned.

Sincerely,

HASSARD, BONNINGTON, ROGERS & HUBER,

Rick C. Zimmerman

RCZ/ff

8704015723

GCC#2860
RECEIVED
FEC
87 MAR 10 A9:17

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

CORPORATE LAW DIVISION

LESLIE J. MILLER
Senior Attorney
645-4608

March 4, 1987

87 MAR 10 A10:12
RECEIVED
FEC
GENERAL COUNSEL

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR2272

Dear Mr. Steele:

I am writing to clarify one point in my letter of February 24, 1987. In the second paragraph of that letter I stated that, "None of AMPAC's expenditures on behalf of Mr. Williams attacked or even mentioned Representative Stark." This statement is accurate insofar as it refers, as was my intent, to communications directed to the general public in Representative Stark's congressional district, but is misleading if it is read as referring to other communications.

As was discussed on page 2 of my letter, AMPAC did send a letter to AMPAC members* requesting that they send contributions to Mr. Williams and to Jim Eynon, a candidate in Indiana. This letter explained the nature of the AMPAC independent expenditures and the reasons why AMPAC was supporting these two candidates, and contains the following references to Representative Stark:

> Our second independent expenditure campaign is in the 9th District of California, not far from San Francisco. Our candidate there is Dave Williams, a small businessman who shares AMPAC's belief that incumbent Congressman Pete Stark ought to be retired.
>
> Pete Stark has been a major liberal influence as the Chairman of the House Ways and Means Health Subcommittee, and is quoted in the National Journal on July 5, 1986, calling members of the AMA "troglodytes". While he is well known in his District as a liberal, he is not representative of his constituents.

---

*As I mention in my February 24 letter, this was a nationwide mailing. AMPAC has no information as to the number of recipients who reside in Representative Stark's district.

8704055720

As I stated in my initial letter, AMPAC policy requires that all independent expenditure communications to the voting public support a specific candidate and not attack the candidate's opponent. This policy does not prevent AMPAC from mentioning an incumbent when explaining to AMPAC members why it has decided to support that incumbent's opponent, as was done in this case.

Please consider this letter to be an amendment to my letter dated February 24, 1987.

Very truly yours,

Leslie J. Miller

Leslie J. Miller

LJM/nrm

87040552727

GCC 2871

RECEIVED BY THE FEC
HAND DELIVERED
87 MAR 11 P1:04

WILEY, REIN & FIELDING

1776 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 429-7000

JAN W. BARAN
(202) 429-7330

87 MAR 11 P3:12
RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

March 11, 1987

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2272 (Nat'l Republican Congressional Committee)

Dear Mr. Steele:

This office represents the National Republican Congressional Committee ("NRCC") and Jack McDonald, as treasurer, in the above-captioned matter. Enclosed please find a Statement of Designation of Counsel executed by Mr. McDonald confirming our representation.

NRCC received your letter of February 13, 1987 on February 24.[1] We have reviewed the October 23, 1986, complaint of Congressman Pete Stark and his "amendment" of February 9, 1987. Congressman Stark plainly states in the caption of his correspondence that his complaint is against the American and California Medical Associations, their respective political action committees, and the Williams for

[1] Should the FEC proceed against NRCC in this matter, NRCC expressly reserves its right to challenge the FEC's procedures for notification. If NRCC were a respondent of Congressman Stark's complaint as claimed in your February 13, letter, you must "within five (5) days after receipt notify each respondent." 11 C.F.R. § 111.5(a). The FEC received the complaint on October 29, 1986. NRCC was not notified until four months later. The "amendment" of February 9, 1987 doesn't even mention NRCC.

35

8704055728

Congress Committee. While NRCC is mentioned once on page six of the complaint, there is no apparent allegation by Congressman Stark that NRCC violated the Federal Election Campaign Act as suggested in your letter of February 13.

NRCC did retain three vendors as identified by Congressman Stark and as reported to the Federal Election Commission ("FEC"). None of those vendors -- American Viewpoint, Inc., Research/Strategy/Management, Inc. and Cynthia Newman & Associates -- rendered any services to NRCC which pertained to Congressman Stark or Mr. Williams. NRCC records indicate that NRCC's only contribution to the Williams campaign was for the sum of $16.86 for in-kind services, which sum was reported to the FEC.

Under these circumstances the FEC should find no reason to believe that NRCC or its treasurer violated the Act.

Sincerely,

Jan W. Baran

General Counsel to the
National Republican Congressional
Committee

cc: Jack McDonald
Joseph R. Gaylord

8704065729

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2272

NAME OF COUNSEL: Jan W. Baran

ADDRESS: Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 429-7330

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.

2/25/87
Date

Jack McDonald
Signature

RESPONDENT'S NAME: Jack McDonald

ADDRESS: National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

HOME PHONE:

BUSINESS PHONE: (202) 887-0256

8704065730

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
California Medical Association	)	
California Medical Political Action Committee and Donald Gartman, as treasurer, et al.	)	MUR 2272

87 APR 6 P4:17

GENERAL COUNSEL'S REPORT

The Office of the General Counsel received a complaint on October 27, 1986, from Representative Pete Stark. The complaint alleges that the American Medical Association; the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; the California Medical Association; and the California Medical Political Action Committee and Donald Gartman, as treasurer, have made excessive in-kind contributions to the Williams for Congress Committee under the guise of independent expenditures. Additionally, the complaint alleges the Williams Committee violated 2 U.S.C. § 441a(f) by accepting these alleged excessive contributions. All respondents were notified of the complaint. Following Commission-approved extensions, all respondents submitted timely responses.

On February 10, 1987, this Office received an amendment to the complaint. All respondents were notified and were afforded the required 15 days to respond to this amendment. The last of these responses was received on March 3, 1987.

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The complaint and amendment in this matter raise novel issues regarding independent expenditures. Upon reviewing and analyzing all responses, this Office will report to the Commission with appropriate recommendations.

Lawrence M. Noble
Acting General Counsel

4/6/87
Date

By: George F. Rishel
Acting 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: April 6, 1987

SUBJECT: MUR 2272 - General Counsel's Report

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

Open Session _____

Closed Session _____

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Other	[ ]	Other (see distribution below)	[ ]

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BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of	)	
	)	
American Medical Association	)	MUR 2272
American Medical Association	)	
Political Action Committee and	)	
Peter D. Lauer, as treasurer	)	
California Medical Association	)	
California Medical Political Action	)	
Committee and Donald Gartman,	)	
as treasurer	)	
Williams for Congress Committee	)	
and David Williams, as treasurer	)	
National Republican Congressional	)	
Committee and Jack MacDonald,	)	
as treasurer	)	

GENERAL COUNSEL'S REPORT

I. **INTRODUCTION**

The Office of the General Counsel received a complaint on October 27, 1986, from Congressman Pete Stark. The complaint alleges that the American Medical Association ("AMA"); the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer ("AMPAC"); the California Medical Association ("CMA"); and the California Medical Political Action Committee and Donald Gartman, as treasurer ("CALPAC"), have made excessive in-kind contributions under the guise of independent expenditures to the Williams for Congress Committee ("Williams Committee"). The complaint also alleges that the Williams Committee violated 2 U.S.C. § 441a(f) by accepting these alleged excessive contributions. The complaint questions the independence of these expenditures because of an alleged use of a system of physician involvement with the Williams Committee, and the use of the same vendors by AMPAC and the National Republican Congressional Committee ("NRCC"). The complaint also apparently

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alleges AMPAC violated 2 U.S.C. § 441d(a) by failing to include a disclaimer on a mailing made on behalf of the Williams Committee. CMA and CALPAC requested and were granted thirty-seven day extensions of time to respond to the complaint. Each submitted a timely response on January 5, 1987.

On February 10, 1987, this Office received what was deemed to be an amendment to the complaint. The complainant and respondents were notified that the Commission considered this submission to be an amendment.[1/] The amendment asserts that AMPAC organized a bundling of checks from AMPAC members directly to the Williams Committee. Moreover, in further support of the complaint's allegation that AMPAC's expenditures were not independent, the complainant apparently asserts that AMPAC's mailings on behalf of the candidate could not have stated the candidate's positions on issues without communication with the candidate's committee. Additionally, the amendment notes alleged ties between AMPAC and the Republican Party as assertedly evidenced by a slate mailer paid for by one federal candidate's committee, four initiative committees and AMPAC. The amendment

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1. The National Republican Congressional Committee's ("NRCC") response notes it was not notified of the complaint in October, 1986. Although the NRCC was mentioned in the complaint, it was unclear whether any allegations were made regarding it, and thus the NRCC was not notified at that time. In light of the amendment's continued vague references to this entity, at the time the Commission received the amendment the NRCC was notified of both the complaint and amendment and presented with an opportunity to respond.

also raises questions about the candidate's alleged attempt to direct AMPAC funds through the League of Women Voters to finance a TV debate. All respondents in this matter submitted a second response. The last of these responses was received on March 4, 1987.

This report is divided into six sections. We first discuss the relevant law and, next, its application to the allegations in the complaint relating to communications among CALPAC, CMA, and AMA. We then discuss the relationship of the NRCC and AMPAC and whether their alleged use of common vendors impacts on AMPAC's ability to make independent exenditures on behalf of the Williams Committee. Additionally, we discuss AMPAC's expenditures made on behalf of the Williams Committee, and then examine AMPAC's possible use of the Williams Committee's campaign materials. Finally, we address the issue of disclaimers placed on AMPAC's materials.

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II. THE LAW

The complaint in this matter focuses on whether AMPAC's acknowledged expenditures on behalf of the Williams Committee were truly independent. 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 concert 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). See 11 C.F.R. § 109.1. The Act places no limitations on the amounts of these expenditures; however, for an expenditure to be independent all elements of this definition must be satisfied. If these elements are not satisfied, the purported independent expenditures are viewed as in-kind contributions subject to the limitations of 2 U.S.C. § 441a(a).

The Commission's Regulations at 11 C.F.R. § 109.1(b)(4)(i)(A) and (B) define "Made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or an agent or authorized committee of the candidate" to mean -

> (i) 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;
>
> (B) Made by or through any person who is, or has been, authorized to raise or expend funds, who is, or has been, an officer of an authorized committee, or who is, or has been, receiving any form of compensation or reimbursement from the candidate, the candidate's committee or agents.

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The term "agent" is defined at 11 C.F.R. § 109.1(b)(5) as

> any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or means any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities he or she may authorize expenditures.

The Regulations thus provide that the use of an agent of a candidate's campaign committee to make expenditures raises the presumption that the expenditure is made with the cooperation or prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of such candidate. Therefore, such use of an agent is presumed to destroy the independence of the expenditure and results in an in-kind contribution subject to the limitations of 2 U.S.C. § 441a(a). See 11 C.F.R. § 109.1(b)(5) and 109.1(c). According to 11 C.F.R. § 109.1(b)(4)(i)(A) and (B), an expenditure is presumed not to be independent if it is based on information about the candidate's plans, projects or needs provided to the expending person by the candidate or candidate's agents, with a view towards having an expenditure made, or if the expenditure is made by or through persons falling into specified categories including those receiving any form of compensation from the candidate, his or her committee or agents, such as vendors of goods and services.

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In Advisory Opinion 1979-80, the Commission addressed the issue of the impact of common vendors on a committee's ability to make independent expenditures. In that opinion the Commission concluded that a committee's ability to make independent expenditures through a particular vendor on behalf of a candidate could be compromised if that vendor also worked for the candidate. The applicability of this advisory opinion to an individual simultaneously acting as a vendor to a committee for the purposes of making independent expenditures on behalf of a candidate and as that candidate's strategist was addressed in Federal Election Commission v. National Conservative Political Action Committee, 674 F. Supp. 987 (S.D.N.Y. 1986). In its decision the court upheld the Commission's interpretation that such use of common vendors destroys the independence of expenditures and converts them to in-kind contributions subject to the limitation of 2 U.S.C. § 441a(a).

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III. ALLEGATIONS RELATING TO CALPAC, CMA AND AMA

In support of the allegation that AMPAC's expenditures on behalf of the Williams Committee were not "independent" because of relationships among the respondents, the complaint notes the General Counsel's Reports in MUR's 253, 253A, 289, 302, 369, and 618 ("AMPAC MURs"), which discussed AMPAC's practice of contributing "heavily, if not exclusively, based on the recommendations of members of its affiliates, CMA and CALPAC."

Complaint at 5.[2/] These reports are cited in support of the allegation that AMPAC presently encourages physicians and their families who are connected with state medical association political action committees ("State PACs") to work for local federal candidates and to inform AMPAC of the candidates' campaign needs, after which AMPAC contributes to such candidates based on the information provided, and that such a system of physician involvement was used by CMA, CALPAC, and AMA with the Williams Committee. These alleged communications between AMPAC and persons associated with CALPAC and CMA who worked for the candidate are said to have destroyed the independent nature of AMPAC's expenditures, thereby converting these "independent expenditures" into coordinated expenditures. Thus, the complaint alleges that AMPAC and CALPAC made, and the Williams Committee accepted, excessive in-kind contributions.

The responses to the complaint deny that any type of coordination or consultation occurred between AMPAC, CALPAC, CMA, AMA, and the Williams Committee. Specifically, the Williams Committee denies that either the candidate or any member or agent of the candidate's committee revealed to the other respondents any plans, planned expenditures, needs or any other information relating to the campaign. Additionally, the Williams Committee

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2/ The complaint interchangeably uses the word "members" to refer to members of the AMA and CMA, as well as to "members of CALPAC and AMPAC." This latter reference apparently refers to persons associated with AMPAC and CALPAC (primarily physicians and their families), rather than "members" of CALPAC and AMPAC.

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denies cooperating or consulting, directly or indirectly, with the other respondents.

CALPAC states it had "no knowledge of or communication with the Williams' campaign and no direct or indirect communication with AMPAC . . ." regarding the expenditures in question, and that no recommendations were made by CMA or CALPAC to AMPAC regarding candidate support. CALPAC Response at pages 3 and 5. CALPAC also notes that the Williams Committee's reports on file with the Commission reveal only two physician contributors, and asserts that this is evidence of the lack of physician involvement in the Williams Campaign.

CMA's Response states that it "took no action concerning the Williams Campaign, and had no contact with AMA, AMPAC or CALPAC or the Williams campaign concerning possible contributions or expenditures in this campaign." CMA Response at 1-2. Additionally, CMA states it does not conduct any federal election activity and asserts that even if member physicians might have been involved with the Williams Committee, "mere membership in a professional association is not sufficient to permit the knowledge or acts of the individual member to be attributed to the organization." Id. at 2.

The AMA's and AMPAC's joint response similarly denies that they received any information from the other respondents regarding the needs of the Williams Committee. This response is discussed in greater detail in Sections IV and V regarding AMPAC,

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but it is clear that AMPAC, and not the AMA, made the alleged independent expenditures on behalf of the Williams Committee.

In sum, all respondents deny that a system of physician involvement was used to determine the Williams Committee's needs for the purpose of making independent expenditures. It is undisputed that AMPAC made the expenditures in question, and there is no evidence to suggest the other respondents were involved in the making of these independent expenditures. It thus appears that the proper focus of this matter is AMPAC's expenditures and not the activities of CMA, CALPAC and the AMA. Accordingly, this Office recommends that the Commission find no reason to believe CMA violated 2 U.S.C. § 441a(a)(1)(A), find no reason to believe CALPAC violated 2 U.S.C. § 441a(a)(2)(A), as well as no reason to believe the AMA violated 2 U.S.C. § 441b(a), and close the file as to these respondents.

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IV. THE EFFECT OF THE RELATIONSHIP OF AMPAC AND THE NRCC ON INDEPENDENT EXPENDITURES

In further support of its argument that AMPAC's independent expenditures were made in consultation with the Williams Committee, the complaint notes that AMPAC "vitiated its ability to make independent expenditures by its apparently deliberate choice of vendors and consultants in this case," in that AMPAC used three vendors also used by the NRCC. The complaint states that because the NRCC is an "agent" of the Williams Committee, the vendors used by the former apparently have obtained "in-depth knowledge of the needs and plans of Republican Congressional

candidates, such as Mr. Williams, and [thus] AMPAC has clearly precluded itself from making independent expenditures on behalf of Mr. Williams." Complaint at 6. (Footnote omitted).

The NRCC admits using the three vendors identified by the complainant, (American Viewpoint, Inc., Research Strategy Mangement, Inc., and Cynthia Newman & Assoicates) but states that none of these entities rendered any services for the NRCC pertaining to the Williams Committee. The NRCC notes that its only expenditure on behalf of the Williams Committee was for $16.86. A review of the NRCC's reports by this Office confirms these statements.

AMPAC states that the relationship between the NRCC and AMPAC is "entirely speculative" and without evidence. It also notes that its vendors were under contract not to have any contact with the Williams Committee until the completion of the independent expenditures. AMPAC Response at 5 and 6-7. It adds, ". . . [T]here is nothing in the Commission's regulations which prohibit using generalized information about the needs of Republican candidates in making an independent expenditure. What is prohibited is basing an independent expenditure on information about the specific needs and plans of the supported candidates which has been obtained from the candidate or his authorized committees or agents." Id. AMPAC notes that the complaint does not allege an agency relationship between the common vendors and

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the Williams Committee. Moreover, AMPAC relies upon AO 1979-80 for the proposition that a party committee is not an agent of a candidate, and thus, apparently disputes the concept that information obtained by the NRCC and passed to its vendors and on to AMPAC could inhibit the ability of AMPAC to make independent expenditures using those same vendors.

It is the opinion of this Office that AMPAC's assertion that common vendors may share "generalized campaign information" cannot stand. AMPAC cites as support for this statement only that a party committee cannot automatically be deemed an agent of a candidate and relies exclusively upon the definition of agent contained at 11 C.F.R. § 109(1)(b)(5). As previously noted, however, an agency relationship is not the only circumstance affecting the independence of an expenditure. Indeed, in AO 1979-80 the Commission recognized that a committee could be precluded from making independent expenditures where the committee had communications with a party committee in a given state, which in turn, had communications with a candidate's committee. Thus, it is the opinion of this Office that if the Williams Committee in fact used a relationship with vendors of the NRCC in order to pass information through those same vendors to AMPAC, this could preclude AMPAC's ability to make "independent expenditures."

It appears, however, that there is insufficient evidence in this matter to find reason to believe that the NRCC obtained

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information from the Williams Committee about its campaign needs that was subsequently passed to AMPAC through a network of common vendors. Four apparent facts support this conclusion. First, NRCC does not appear to have been involved with the Williams Committee. Moreover, the Williams Committee's reports do not indicate receipt of a contribution from the California Republican state party. Thus, there does not appear to have been a "vendor network in place to pass this shared information" as alleged in the complaint. Second, although the complaint apparently alleges the NRCC and AMPAC exchanged information through the use of the three vendors, the NRCC did not use any of these vendors in association with its single contribution on behalf of the Williams Committee. Third, AMPAC asserts that its contracts with all consultants precluded such consultants from contacting Mr. Williams or his campaign. Finally, there is no specific evidence of communication through common vendors in the complaint other than the allegations that such contacts occurred. All in all, there is no evidence that a network of common vendors was used to exchange information about the Williams Committee. Accordingly, this Office recommends that the Commission find no reason to believe the National Republican Congressional Committee and its treasurer violated 2 U.S.C. § 441a(a) regarding its expenditure on behalf of the Williams Committee.

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V. INDEPENDENT EXPENDITURES MADE BY AMPAC ON BEHALF OF THE WILLIAMS COMMITTEE

In this section we examine the overall relationship between the AMPAC and the Williams Committee by focusing on four specific issues. First we discuss the complaint's allegation that AMPAC "bundled" contributions to the Williams Committee. Second, the funding of a proposed debate is reviewed. Third, we inspect the dollar amounts expended by the Williams Committee and AMPAC. Finally, we focus on the three mailings distributed by AMPAC on behalf of the Williams Committee.

A. Allegations Regarding Bundling

The amendment to the complaint encloses an item from the October 3, 1986, AMA Newsletter that describes "a unique mail appeal to the entire 57,000...AMPAC membership list on behalf of two challenges to Congressmen antagonistic to medicine [which] has netted more than $19,000 for those campaigns." The item describes this appeal as "a first," and as "independent PAC solicitations."

AMPAC's response explains that this solicitation occurred when AMPAC sent materials to its members "suggesting that they send contributions to Mr. Williams [and another candidate]. The mailing included envelopes addressed to Mr. Williams [and the other candidate] and requested that contributions be sent directly to the candidate's respective committees." AMPAC Amendment Response at 2. The mailing also included a card which the contributor could return to AMPAC to let AMPAC know the

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amount of the contribution. Based on the cards that were returned, AMPAC believes that Mr. Williams received approximately $30,000 from persons associated with AMPAC.[3/]

As previously discussed at Section II, an independent expenditure is one made without cooperation or consultation with a candidate or agent, and which is not made in concert with, or at the request or suggestion of a candidate. In Advisory Opinion 1980-46, the Commission addressed the issue of whether a multicandidate committee may, as an independent expenditure, solicit contributions for specific candidates, collect such contributions, and forward them to the candidates.[4/] In that request, the multicandidate committee proposed soliciting persons and suggesting that a contribution paid to the order of a candidate's committee be forwarded to the multicandidate committee with the multicandidate committee to compile the names and addresses and forward the contributions to the candidate's committee. The Commission determined that the expenditures made

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3/ This amount constitutes almost half of the total amount received by the Williams Committee ($63,000) and nearly two times the amount received by the candidate from other sources, excluding his personal funds of $14,000 loaned to the Committee. Because of the small number of persons identified on the Williams Committee's reports as "physician," the bulk of the funds raised by this solicitation must have been composed of unitemized contributions.

4/ On May 7, 1987, the Commission reconsidered the ability of a multicandidate committee to collect contributions on behalf of a candidate as an independent expenditure. See A.O.R. 1987-9. By evenly divided votes the Commission failed to approve an advisory opinion.

by the multicandidate committee would not be independent expenditures but would constitute in-kind contributions. The Commission premised this determination on the fact that the multicandidate committee specifically requested that checks payable to a candidate be submitted to the multicandidate committee for transmittal to the candidate, and, thus, the acceptance of these checks by the candidate committee constituted acceptance of the costs incurred by the multicandidate committee in connection with the solicitation. See A.O. 1980-46. The Commission juxtaposed this situation to an instance where campaign materials were distributed by a multicandidate committee as an independent expenditure and found it to be more akin to an instance where a multicandidate committee provided campaign materials to an authorized committee as an in-kind contribution.

It is the opinion of this Office that AMPAC's solicitation of its members is sufficiently similar to the activity in A.O. 1980-46 to bring into question the independence of this expenditure. This is not an instance of a multicandidate committee merely suggesting to persons that contributions be made to a specific candidate. Rather, AMPAC both made a solicitation to 57,000 individuals and provided each with a pre-addressed envelope for transmittal of each individual's contribution. Moreover, AMPAC monitored this solicitation effort by requesting each contributing member to return a pledge card to AMPAC in a second enclosed pre-addressed envelope. Thus, because AMPAC

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provided pre-addressed envelopes to ensure delivery of the contributions, this situation is akin to AMPAC's gathering of contributions and forwarding them to the candidate in a single mailing. Additionally, as in the advisory opinion, AMPAC monitored the contributions made by the persons on its mailing list. Therefore, the Williams Committee's acceptance of these envelopes containing contributions should be viewed as acceptance of the cost of the mailing. Because of AMPAC's actions ensuring the contributions would be made and its monitoring of these contributions, it is the opinion of this Office that the independence of these expenditures is questionable.

B. Evidence of Communications Through Third Parties

An additional concern regarding the independence of AMPAC's expenditures is raised by the amendment's copy of a memo written by a member of the complainant's staff quoting Mr. Williams as stating that funds for a proposed debate would come from the League of Women Voters who would, in turn, receive a grant from the AMA to conduct the debate.

AMPAC denies that either the AMA or AMPAC conducted discussions with the League of Women Voters regarding funding of the proposed debate. Moreover, AMPAC asserts that even if contacts had been made, AMPAC's independent expenditures could not be compromised "unless the League was an agent of the Williams Campaign and the expenditures were made at the request or suggestion of, or in consultation or cooperation with, the

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League." AMPAC Amendment Response at 2.

The Williams Committee states that references to League of Women Voters funding for the debate using an AMA grant arose when a reporter who was to have been involved in the debate, "commented that maybe the AMA would pay for the debate and that he [the reporter] might try to arrange it which he did not." Williams Committee Amendment Response at 2. The Candidate then "... mentioned this to Mr. Sondheim of KTVU," an advertising executive. Mr. Sondheim, in turn, brought this potential funding to the attention of the complainant's staff.

A number of questions remain unanswered regarding AMPAC's or the AMA's proposed funding of this debate. It is unknown why the reporter would attempt to arrange financing of the debate by AMA. It is possible that the Williams Committee may have sought to use this reporter as its agent, whose subsequent communication to AMPAC would compromise the independence of AMPAC's expenditures. It is also possible that the Candidate may have made this suggestion to Mr. Sondheim in the hope that he would communicate with the AMA or AMPAC to secure funding for the debate. Thus, there is some evidence that the Williams Committee may have looked to AMPAC (possibly through the AMA) as a source of campaign-related funding or support.

C. The Dollar Disparity

Another factor raising questions about the status of the independent expenditures made by AMPAC is the dollar disparity

between the quarter of a million dollars spent by AMPAC on behalf of the Williams Committee and the Williams Committee's total expenditures of only $63,000. Although this dollar disparity is not necessarily enough, standing alone, to raise doubts about the independence of expenditures, it must be viewed in the context of AMPAC's solicitation effort which raised $30,000 on behalf of the candidate and the fact that the candidate loaned his committee $14,000.[5/] Therefore, AMPAC's independent expenditures on behalf of the Williams Committee were approximately four times what the Williams Committee spent, and nearly 50% of the amount expended by candidate was generated by an AMPAC solicitation on the candidate's behalf. If AMPAC had not made this solicitation effort, the Williams Committee would have expended only approximately $30,000 and AMPAC's independent expenditures would have been eight times what the candidate's committee expended. These factors raise questions regarding whether AMPAC's activities may have been conducted in coordination, cooperation, or in concert with the Williams campaign.

5/ The complaint alleged AMPAC expended $100,000 and that the Williams Committee expended $5,600. These figures were obtained from AMPAC's 1986 September Monthly Report and the Williams Committee's 1986 July Quarterly Report. As of the date of the filing of AMPAC's 1986 Post-General Report, it has spent approximately $250,000 in "independent expenditures" on the Williams Committee. During this same time period, the Williams committee spent a total of approximately $63,000. Of this amount, $14,000 was the candidate's personal funds loaned to the Committee. The amendment to the complaint noted the increased figures contained in the later reports.

D. Mailings Made by AMPAC on Behalf of the Williams Committee

The amendment to the complaint encloses three mailings paid for, in whole or in part, by AMPAC that advocate the election of Mr. Williams and state his position on various issues.[6/] The complainant inquires how it was possible for AMPAC to publish the candidate's position on issues or his proposed votes without communicating with the candidate.

As previously noted, AMPAC's initial response denies using a system of physician activity in a campaign to determine a committee's needs in order to make "independent" expenditures. In its amended response AMPAC addresses more fully how it obtained knowledge of Mr. Williams positions on various issues as stated in mailings. AMPAC asserts that it chose several issues based in public opinion polls and made assumptions regarding the types of positions Mr. Williams would take. These assumptions are then said to be tested against newspaper articles about the candidate. AMPAC also notes it chose to attribute only very general positions to Mr. Williams. AMPAC Amendment Response at 3.

The Candidate's amended response also denies communicating with AMPAC regarding his positions. He further adds that:

> "[t]he AMPAC mailings and radio ads (which I never heard) used a poor photograph of me

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6/ The amendment states these were paid for by the AMA, however, the disclaimers note that AMPAC paid for them. The complainant apparently uses "AMA" and "AMPAC" interchangably.

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> that was taken by 'The Valley Times.' Their [AMPAC's] statements as to my positions were partially accurate and may have been partially extracted from my newspaper interviews, circulars, direct mail, letters to the editor, press releases, and speeches. I do not know how AMPAC determined their copy. I was not consulted by and did not coordinate with them at any time in any way. Williams Amendment Response at 1-2.

In the instant case, AMPAC and the Williams Committee deny communicating with each other regarding the candidate's positions on issues. Each has presented an explanation of how AMPAC was able to predict the Candidate's positions on various issues.[7/] Accordingly, there does not appear to be any evidence of cooperation, consultation or coordination with respect to AMPAC's determination of the Candidate's positions on issues in the mailings cited in the complaint.

E. Concerns Raised Regarding Independent Expenditures

A number of concerns have been raised regarding whether AMPAC's expenditures were truly independent. AMPAC's solicitation effort on behalf of the candidate raises questions regarding whether AMPAC's direct and substantial involvement in expending funds to insure that the Candidate received contributions from persons associated with AMPAC was in fact independent. This concern is heightened by the realization that

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7/ The Candidate's statement that AMPAC may have utilized his campaign materials is discussed at Section VI.

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this effort provided the Candidate with almost two thirds of the total contributions he received (excluding his personal funds). Additionally, the alleged statements of third parties raises the issue that communications from the Williams Committee to AMPAC may have been made through such third parties. These factors, coupled with the gross dollar disparity between the expenditures by the Williams Committee and AMPAC, bring into question the integrity of the independent expenditure campaign conducted by AMPAC. In the event these expenditures were not independent, but were, in fact, in-kind contributions, these contributions would be subject to the limitations of 2 U.S.C. § 441a. Moreover, if these are determined to have been in-kind contributions, the independence of other "independent" expenditures made by AMPAC may also fail because the Commission has determined that a committee is presumed incapable of making contributions to a candidate and independent expenditures on behalf of that candidate with respect to the same election. See A.O. 1984-30.

It is the opinion of this Office that these concerns, taken as a whole, raise sufficient questions regarding the independence of AMPAC's expenditures to support a reason to believe determination that AMPAC made, and the William Committee accepted, excessive in-kind contributions. Accordingly, this Office recommends that the Commission find reason to believe AMPAC and its treasurer violated 2 U.S.C. § 441a(a)(2)(A), and

that the Williams Committee and David M. Williams, as treasurer, violated 2 U.S.C. § 441a(f).

VI. AMPAC's POSSIBLE USE OF THE WILLIAMS COMMITTEE'S CAMPAIGN MATERIALS

As previously discussed, the Candidate has raised the possibility that AMPAC may have utilized campaign materials of the Williams Committee in making its independent expenditures. The Commission's Regulations provide that the financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of candidate materials prepared by the candidate, his campaign committees, or their authorized agents shall be considered a contribution for the purpose of contribution limitations and reporting responsibilities by the person making the expenditure, but not by the candidate or authorized committee, unless made with the cooperation or with prior consent of, or in consultation with, or at the request or suggestion of, a candidate or authorized agent or committee. 11 C.F.R. § 109.1(d)(1). Thus, in the event AMPAC used such materials from the Williams Committee, AMPAC would have made an in-kind contribution to the Williams Committee. As previously noted, the Commission has determined that this contribution would inhibit AMPAC from making independent expenditures on behalf of the Williams Committee.

At this juncture, the Candidate's response raises the possibility that AMPAC used campaign materials of the Williams Committee. This statement should be afforded great weight

because the Candidate is the person most familiar with his own campaign materials and thus in the best position to state whether or not the materials distributed by AMPAC were similar to his campaign materials. Given the doubts raised by these responses, only a direct comparison of the materials distributed by AMPAC and those distributed by the Candidate can resolve this issue. Accordingly, this Office further recommends that the Commission find reason to believe AMPAC violated 2 U.S.C. § 441a(a)(2)(A) in order that these materials may be obtained in discovery and be compared.

VII DISCLAIMER ISSUE

The complaint notes that AMPAC failed to place a disclaimer containing the required information on a communication made on behalf of the Williams Committee. Complaint at p.6 n.13. The Act requires that when an expenditure is made for a communication expressly advocating the election or defeat of a clearly identified candidate not authorized by a candidate, committee or agent, such communication must state the name of the person paying for it and that the communication is not authorized by a candidate or candidate's committee. 2 U.S.C. § 441d(a)(3). At Exhibit 6, the complaint encloses a photocopy of a mailer supporting Mr. Williams' candidacy that notes only "This communication is paid for by the American Medical Association Political Action Committee ("AMPAC")".

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AMPAC disputes that the mailer in question did not have the required information and has provided a copy of the mailing. The AMPAC copy includes the information noted in the complaint, as well as the information that the Williams Committee did not authorize the expenditure. It appears that complainant's copy of the mailer was not complete.

The issue remains, however, whether a proper disclaimer was placed on this mailer and other AMPAC mailers. This cannot be determined until the status of AMPAC's expenditures on behalf of the Williams Committee is determined. If AMPAC did make excessive in-kind contributions to the Williams Committee, the disclaimer on these mailers may not be accurate. Until this question is resolved, this Office makes no recommendations regarding possible violations of 2 U.S.C. § 441d(a) by AMPAC.

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RECOMMENDATIONS

1. Find no reason to believe the California Medical Association violated 2 U.S.C. § 441a(a)(1)(A).

2. Find no reason to believe the California Medical Political Action Committee and Donald Gartman, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

3. Find no reason to believe the American Medical Association violated 2 U.S.C. § 441b(a).

4. Find no reason to believe the National Republican Congressional Committee and Jack R. MacDonald, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

5. Find reason to believe the Williams for Congress Committee and David M. Williams, as treasurer, violated 2 U.S.C. § 441a(f).

6. Find reason to believe the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

7. Approve the attached letters and questions.

5/26/87
Date

Lawrence M. Noble
Acting General Counsel

Attachments
1. AMPAC/AMA Response
2. AMPAC/AMA Amendment Responses (2)
3. CALPAC Response and Amendment Response
4. CMA Response
5. CMA Amendment Response
6. Williams Committee Responses (2)
7. Williams Committee Amendment Response
8. NRCC Response
9. Letters
10. Questions

37040552758

NOTE: The following attachments to the May 26, 1987, General Counsel's Report have been removed from this position in the Public Record File, as they appear elsewhere in the File. They may be located as follows:

For Attachment:	See Index Item(s):
1	11
2	29, 34
3	21, 28
4	22
5	33
6	9, 10
7	32
8	35

Proposed letters and questions at Attachments 9 and 10, which were not issued by virtue of the Commission's deadlock vote as to Recommendations 5, 6 and 7 at pages 24 and 25 of the General Counsel's Report, have been deleted from the Public Record File pursuant to 5 U.S.C. §552(b)(5).

8704055475759

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: May 27, 1987

SUBJECT: MUR 2272 - 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)	[ ]

_____ _____

_____ _____

_____ _____

_____

39

8704065227760

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/SUSAN GREENLEE SG

DATE: DATE May 29, 1987

SUBJECT: OBJECTION TO MUR 2272: General Counsel's Report Signed May 26, 1987

The above-captioned document was circulated to the Commission on WEDNESDAY, MAY 27, 1987 at 4:00 P.M.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	X
Commissioner Elliott	X
Commissioner Josefiak	X
Commissioner McDonald	X
Commissioner McGarry	
Commissioner Thomas	X

This matter will be placed on the Executive Session agenda for JUNE 9, 1987.

Please notify us who will represent your Division before the Commission on this matter.

40

8704065276 1

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN GREENLEE S.G

DATE: MAY 29, 1987

SUBJECT: COMMENTS ON MUR 2272: General Counsel's Report
Signed May 26, 1987

Attached is a copy of Commissioner Thomas's vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

41

8704065276 2

BALLOT

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: WEDNESDAY, MAY 27, 1987 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAK, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY FRIDAY, MAY 29, 1987 4:00

SUBJECT: MUR 2272- General Counsel's Report
Signed May 26, 1987

37040552763

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: For discussion.

87 MAY 29 P 4:08

DATE: 5/29/87 SIGNATURE Lawrence M. Noble

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

41

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN GREENLEE S.G

DATE: MAY 29, 1987

SUBJECT: OBJECTION TO MUR 2272: General Counsel's Report Signed May 26, 1987

Attached is a copy of Commissioner McDonald's vote sheet with comments regarding

Attachment:
copy of vote sheet

42

8704055276 4

BALLOT

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: WEDNESDAY, MAY 27, 1987 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAK, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY FRIDAY, MAY 29, 1987 4:00

SUBJECT: MUR 2272- General Counsel's Report
Signed May 26, 1987

87 MAY 29 P5:21

( ) I approve the recommendation

(✓) I object to the recommendation

COMMENTS: For discussion purposes only

DATE: 5-29-87 SIGNATURE Danny L McDonald

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

42

8704055175 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN GREENLEE S-6

DATE: MAY 29, 1987

SUBJECT: COMMENTS ON MUR 2272: General Counsel's Report
Signed May 26, 1987

Attached is a copy of Commissioner McGarry's vote sheet with comments regarding the above-captioned matter.

Attachment:
copy of vote sheet

43

8704065276

BALLOT

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DATE & TIME TRANSMITTED: WEDNESDAY, MAY 27, 1987 4:00

COMMISSIONER: AIKENS, ELLIOTT, JOSEFIAK, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY FRIDAY, MAY 29, 1987 4:00

SUBJECT: MUR 2272- General Counsel's Report
Signed May 26, 1987

87 MAY 28 P4:23

( ) I approve the recommendation

( ) I object to the recommendation

COMMENTS: Will vote in Executive Session

DATE: 5/28/87 SIGNATURE

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.

PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.

PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

43

3704065277

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
American Medical Association	)	
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer	)	MUR 2272
California Medical Association	)	
California Medical Political Action Committee and Donald Gartman, as treasurer	)	
Williams for Congress Committee and David Williams, as treasurer	)	
National Republican Congressional Committee and Jack MacDonald, as treasurer	)	

8704065276 8

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session on June 9, 1987, do hereby certify that the Commission took the following actions on MUR 2272:

1. Failed by a vote of 3-3 to:

   a. Approve Recommendations 1, 2, 3, 4, of the General Counsel's report dated May 26, 1987.

   b. Find no reason to believe the Williams for Congress Committee and David M. Williams, as treasurer, violated 2 U.S.C. § 441a(f).

   c. Find no reason to believe the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, violated 2 U.S.C. § 441a(a)(2)(a).

   d. Send the appropriate letters and close the file.

   Commissioners Aikens, Elliott and Josefiak voted affirmatively for the decision Commissioners McDonald, McGarry, and Thomas dissented.

2. Decided by a vote of 6-0 to approve Recommendation No. 1 in the General Counsel's report dated May 26, 1987.

   Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

3. Decided by a vote of 6-0 to approve Recommendation No. 2 in the General Counsel's report dated May 26, 1987.

   Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

4. Decided by a vote of 6-0 to approve Recommendation No. 3 in the General Counsel's report dated May 26, 1987.

   Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

5. Decided by a vote of 6-0 to approve Recommendation No. 4 in the General Counsel's report dated May 26, 1987.

   Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

6. Failed by a vote of 3-3 to approve Recommendation No. 5 in the General Counsel's report dated May 26, 1987.

   Commissioners McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioners Aikens, Elliott, and Josefiak dissented.

8704065276

7. Failed by a vote of 3-3 to approve Recommendation No. 6 in the General Counsel's report dated May 26, 1987.

   Commissioners McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioners Aikens, Elliott, and Josefiak dissented.

8. Failed by a vote of 3-3 to approve Recommendation No. 7 in the General Counsel's report dated May 26, 1987.

   Commissioners McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioners Aikens, Elliott, and Josefiak dissented.

9. Failed by a vote of 3-3 to find reason to believe the American Medical Association Political Action Committee violated 2 U.S.C. § 441d(a).

   Commissioners McDonald, McGarry, and Thomas voted affirmatively for the decision. Commissioners Aikens, Elliott, and Josefiak dissented.

10. Decided by a vote of 6-0 to send the appropriate letters and close the file.

    Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for this decision.

Attest:

6-10-87
Date

Mary W. Dove
Mary W. Dove
Administrative Assistant

8704065270

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

The Honorable Pete Stark
c/o Pete Stark Reelection Committee
Post Office Box 5303
Oakland, CA 94605

RE: MUR 2272

Dear Representative Stark:

The Federal Election Commission has reviewed the allegations contained in your complaint dated October 23, 1986, and the amendment to this complaint dated February 9, 1987. On June 9, 1987, the Commission considered your complaint and amendment, but was evenly divided on whether to find reason to believe the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A) and 441d(a). Also on that date the Commission was evenly divided on whether to find reason to believe the Williams for Congress Committee and David M. Williams, as treasurer, violated 2 U.S.C. § 441a(f). Additionally, on that date, the Commission determined that there was no reason to believe the California Medical Association violated 2 U.S.C. § 441a(a)(1)(A); no reason to believe the California Medical Political Action Committee and Donald Gartman, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A); no reason to believe the American Medical Association violated 2 U.S.C. § 441b(a), and no reason to believe the National Republican Congressional Committee and Jack R. MacDonald, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

Accordingly, on June 9, 1987, the Commission closed 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). For your information, the judicial reviewablity of instances where less than four members of the Commission are in agreement on whether or not to take action is presently before the United States Court of Appeals for the District of Columbia in Democratic Congressional Campaign Committee v. Federal Election Commission, docket number 86-5661.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Philip N. Lyons, Esquire
Taylor Building, Suite 101
San Leandro, CA 94577

RE: MUR 2272
Williams for Congress Committee
and David M. Williams, as
treasurer

Dear Mr. Lyons:

On October 29, 1986, the Federal Election Commission notified the Williams for Congress Committee and David M. Williams, as treasurer, of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended. Additionally, on February 13, 1987, the Commission provided you with an amendment to this complaint.

On June 9, 1987, the Commission considered the complaint and amendment but was equally divided on whether to find reason to believe the Williams for Congress Committee and David M. Williams, as treasurer, violated 2 U.S.C. § 441a(f). Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Please send such materials to the General Counsel's Office.

If you have any questions, please direct them to Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Diane Elan Wick, Esquire
Nielsen, Hodgson, Parrinello & Mueller
1030 Fifteenth Street, Suite 250
Sacramento, California 98514

RE: MUR 2272
California Medical
Political Action
Committee and Donald
Gartman, as treasurer

Dear Ms. Wick:

On October 29, 1986, the Federal Election Commission notified the California Medical Political Action Committee and Donald Gartman, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 13, 1987, the Commission notified you of an amendment to this complaint.

On June 9, 1987, the Commission found, on the basis of the information in the complaint and amendment, and information provided by your clients, that there is no reason to believe the California Medical Political Action Committee and Donald Gartman, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Rick C. Zimmermann, Esquire
Hassard, Bonnington, Robert & Huber
50 Freemont Street, Suite 3400
San Francisco, CA 94105

RE: MUR 2272
California Medical
Association

Dear Mr. Zimmerman:

On October 29, 1986, the Federal Election Commission notified your client, the California Medical Association, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 13, 1987, the Commission notified you of an amendment to this complaint.

On June 9, 1987, the Commission found, on the basis of the information in the complaint and amendment, and information provided by your client, that there is no reason to believe the California Medical Association violated 2 U.S.C. § 441a(a)(1)(A). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Jan Baran, Esquire
Wiley, Rein & Feilding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2272
National Republican
Congressional Committee
and Jack MacDonald, as
treasurer

Dear Mr. Baran:

On February 13, 1987, the Federal Election Commission notified your clients, the National Republican Congressional Committee and Jack MacDonald, as treasurer, of a complaint and amendment to that complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On June 9, 1987, the Commission found, on the basis of the information in the complaint and amendment, and information provided by your clients, that there is no reason to believe the National Republican Congressional Committee and Jack MacDonald, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Leslie J. Miller, Esquire
American Medical Association
535 North Deerborn Street
Chicago, Illinois 60610

RE: MUR 2272
American Medical
Association

Dear Mr. Miller:

On October 29, 1986, the Federal Election Commission notified your client, the American Medical Association, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On February 13, 1987, the Commission notified you of an amendment to this complaint.

On June 9, 1987, the Commission found, on the basis of the information in the complaint and amendment, and information provided by your client, that there is no reason to believe the American Medical Association violated 2 U.S.C. § 441b(a). Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1987

Leslie J. Miller, Esquire
American Medical Association
535 North Deerborn Street
Chicago, Illinois 60610

RE: MUR 2272
American Medical Association
Political Action Committee
and Peter D. Lauer, as
treasurer

Dear Mr. Miller:

On October 29, 1986, the Federal Election Commission notified the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended. Additionally, on February 13, 1987, the Commission provided you with an amendment to this complaint.

On June 9, 1987, the Commission considered the complaint and amendment but was evenly divided on whether to find reason to believe that the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, violated 2 U.S.C. §§ 441a(a)(2)(A) and 441d(a). Accordingly, the Commission closed its file in this matter. This matter will become part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within ten days of your receipt of this letter. Please send such materials to the General Counsel's Office.

If you have any questions, please direct them to Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report
and Certification

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FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
American Medical Association	)	MUR 2272
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer	)	
California Medical Association	)	
California Medical Political Action Committee and Donald Gartman, as treasurer	)	
Williams for Congress Committee and David Williams, as treasurer	)	
National Republican Congressional Committee and Jack McDonald, as treasurer	)	

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STATEMENT OF REASONS

Commissioner Thomas J. Josefiak

I. GENERAL COUNSEL'S REPORT

The General Counsel's report accompanying the "reason to believe" recommendations in MUR 2272 stated: "The complaint in this matter focuses on whether AMPAC's acknowledged expenditures on behalf of the Williams Committee were truly independent." (p. 3)

The report rejected the three arguments most strenuously advanced by the complainant for imputing coordination and challenging the independence of AMPAC's expenditures: 1) local political involvement by physicians, 2) vendors used in common by AMPAC and the NRCC, and 3) references to Williams' issue positions in the AMPAC mailings. The report instead asserted three other grounds for questioning the activities' independence: 1) fundraising solicitations by AMPAC on behalf of Williams, 2) efforts at debate arrangements, and 3) the "dollar disparity" between the campaign's own expenditures and AMPAC's

independent expenditures on Williams' behalf. Finally, the report also raised an issue not alleged by the complainant as to whether AMPAC may have reproduced Williams' campaign materials, and concluded with a note as to potential disclaimer problems.

II. RESPONSES TO THE COMPLAINT

Counsel for AMA and AMPAC denied any coordination or consultation with the Williams Committee. Specifically, counsel stated that AMPAC made no attempt to coordinate the activities of physicians who may have participated in either the Williams or Stark campaigns, that decisions to support candidates with independent expenditures are made exclusively by AMPAC's board and not as a result of any consultation with state medical associations or PACs, that "no physician communicated any information regarding the Williams campaign to AMPAC" nor did the state medical association or PAC, that all consultants who worked on the independent expenditures signed certifications that they had no contact with Mr. Williams or his campaign, and that AMPAC received "no information regarding the candidate's campaign, directly or indirectly, from the candidate, any authorized committee of the candidate, or any person who could be considered to be an agent of the candidate."

Similarly, Mr. Williams stated under oath in his response:

> "1. At no time did I, my campaign committee or any agent of mine or my committee, ever reveal to the AMA, the CMA or any Political Action Committee affiliated therewith, any plans, planned expenditures, "needs" or any other information relating to my campaign for office.
>
> 2. Neither myself, my campaign committee nor any agent of myself or my committee have ever cooperated with or consulted with, directly or indirectly, the AMA, CMA or any Political Action Committee affiliated therewith.

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3. Neither myself nor my campaign committee nor any agent thereof have ever knowingly solicited or accepted any monies or funds from the AMA, CMA or any Political Action Committee affiliated therewith or any Political Action Committee whatsoever." [Ironically, Williams' campaign had a policy of not accepting PAC contributions.]

The General Counsel's report accepted respondents' denials of coordination and their explanations of activity in analyzing the issues of local political involvement by physicians, the so-called "common vendors" and AMPAC's sources for Williams' policy views. The report ignored or discounted these same statements, however, in reviewing the far more speculative bases upon which the General Counsel recommended the "reason to believe" findings. In my opinion, the allegations of the complaint, the evidence before the Commission and the General Counsel's analysis failed to justify doubting the truth of these responses or to warrant finding "reason to believe" violations of the Act occurred under these circumstances.

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III. LOCAL POLITICAL INVOLVEMENT BY PHYSICIANS

The complaint alleged AMPAC's expenditures on behalf of the Williams' campaign were not independent because the AMA and AMPAC encourage physicians to become involved locally in political campaigns, that AMPAC relies upon state medical associations and their PACs for recommendations as to which candidates AMPAC should support and that the needs, plans and strategies of candidates could be known by politically involved physicians and communicated through their state medical association and PAC to AMA and AMPAC.

The General Counsel's report concluded there was no evidence in this particular matter to indicate the other respondents were

involved in making the expenditures or to support the theory of a system of "physician involvement" that would compromise the independence of AMPAC's expenditures. Therefore, the report recommended finding "no reason to believe" that CMA, CALPAC or the AMA violated the Act, with which the Commission agreed unanimously.

IV. AMPAC, NRCC AND "COMMON VENDORS"

Contrary to the allegations of the complaint, the General Counsel's report concluded "... there is insufficient evidence in this matter to find reason to believe that the NRCC obtained information from the Williams Committee about its campaign needs that was subsequently passed to AMPAC through a network of common vendors." (pp. 11-12)

In truth, there were no "common vendors" between the Williams campaign and any of the other respondents, nor any "network" involving Williams, but only an inferred connection based upon the party committee's separate contracts with the vendors used by AMPAC. As the General Counsel's report noted, the NRCC was not involved with nor did it actively support the Williams Committee, except for an in-kind contribution of $16.86, so that the party committee would not be presumed to have had information about that campaign's particular needs, plans or strategies. Also, AMPAC's contracts with its vendors precluded them from communicating with Mr. Williams or his campaign.

The General Counsel's recommendation to find "no reason to believe" the NRCC violated the Act under these circumstances was certainly correct, and the Commission approved it unanimously.

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The context of the recommendation, however, gave the mistaken impression that the NRCC would have been in violation of 2 U.S.C §441a(a) if the Commission had found the NRCC was part of or had facilitated "... a network of common vendors... used to exchange information about the Williams Committee." (p. 12) Although evidence of such a network would certainly jeopardize the independence of AMPAC's expenditures and provide a basis for potential contribution limit and reporting violations by AMPAC and the Williams Committee, NRCC's alleged role as an intermediary for information would not seem to be a violation of §441a(a) or any other provision of the Act.

Also, the General Counsel's report misconstrues two of AMPAC's arguments regarding the "common vendor" issue. First, the report stated that AMPAC "... apparently disputes the concept that information obtained by the NRCC and passed to its vendors and on to AMPAC could inhibit the ability of AMPAC to make independent expenditures using those same vendors." (p. 11) In its response, however, AMPAC did not seem to suggest the passing of information about the Williams' campaign from the NRCC through the vendors to AMPAC could not compromise independence. Rather, AMPAC argued that there is no legal presumption in these circumstances that such communication took place or that the party committee was an "agent" of the campaign. AMPAC's point was that the Commission should not automatically impute communication or coordination between vendors with whom the party works and that party's candidates, absent other evidence of an agency relationship or involvement between the party committee

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and the candidate.

Second, the report stated that AMPAC asserts "that common vendors may share 'generalized campaign information,'" and again suggested AMPAC was referring to information "passed on" from the Williams campaign. (p. 11) AMPAC actually seemed to respond to the complainant's assertion that AMPAC could not employ vendors for independent expenditures who are familiar with the needs and plans of Republican Congressional candidates generally; AMPAC was arguing that it is not prohibited from "using generalized information about the needs of Republican candidates" as a group that it may have learned from the NRCC's vendors, as long as there was no information, communication or coordination regarding the Williams campaign specifically.

V. AMPAC MAILINGS, "COORDINATION" OF ISSUE POSITIONS AND USE OF CAMPAIGN MATERIALS

The complainant alleged that AMPAC must have communicated with the Williams campaign in order to know about Williams' positions on issues and proposed votes, as expressed in AMPAC's mailings. The General Counsel's report accepted each respondent's denial of communicating with the other and their explanations of how AMPAC could have determined Williams' views. The General Counsel properly concluded that references to Williams' issue positions in the AMPAC mailings do not indicate evidence of "cooperation, consultation or coordination" that would negatively affect the independence of the expenditures. (p. 20)

The General Counsel's report, however, subsequently cited the candidate's explanation of how AMPAC may have learned of his views to develop a new and unwarranted allegation outside the

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complaint. The General Counsel seized upon the candidate's suggestion that AMPAC may have "partially extracted" his issue positions from "newspaper interviews, circulars, direct mail, letters to the editor, press releases, and speeches" to argue "the Candidate has raised the possibility that AMPAC may have utilized campaign materials of the Williams Committee in making its independent expenditures." (p. 22) The report grossly misinterpreted Williams' remarks as if he raised a question as to "whether or not the materials distributed by AMPAC were similar to his campaign materials," per 11 C.F.R. §109.1(d)(1), and stated that "only a direct comparison of the materials distributed by AMPAC and those distributed by the Candidate can resolve this issue." (p. 22) On this basis, the General Counsel's report recommended finding "reason to believe" AMPAC violated 2 U.S.C. §441a(a)(2)(A), which failed to pass on a 3 to 3 vote by the Commission.

I voted against that recommendation for the following reasons. First, Williams' comments on their face do not suggest any "dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic or other form of campaign materials prepared by the candidate." 11 C.F.R. §109.1(d)(1). Williams could have clearly said so if he was suggesting such reproduction had occurred, and the complainant would certainly have raised the issue if there had been any hint of that type of copying and distributing activity.

Second, Williams' comments were only pure speculation as to the sources from which AMPAC could have learned his issue

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positions. He had no reason to know AMPAC's approach, and stated in his response: "I do not know how AMPAC determined their copy" -- a statement inconsistent with the report's inference that the candidate was suggesting reproduction of his materials. In fact, AMPAC's counsel said they relied upon survey research information, tested against newspaper articles describing Williams' views, and the General Counsel accepted that explanation as to the "coordination" issue.

Third, the report inaccurately suggested a violation is indicated where someone "utilizes" or "uses" information within campaign material in order to develop independent expenditure efforts. Even if AMPAC had reviewed Williams' campaign material, which the evidence does not support, the Commission regulations cited do not 'prohibit' gaining information or researching ideas from campaign materials for use in entirely new communications. The regulations do not convert independent expenditures for those communications into contributions based upon a similarity or even identity of themes with the campaign effort. Ideas and information can come from many sources, and their commonality is of itself insufficient to demonstrate either coordination or 'copying.' Instead, the regulations properly consider a tangible reproduction of campaign materials to be a contribution because such recognizable, identifiable activity constitutes implied or constructive coordination with the campaign.

Fourth, since no one actually alleged any particular campaign material was "similar," the General Counsel's discovery proposal was without any factual basis to justify investigation

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and was dependent upon an unacceptably broad inquiry to effect.

VI. THE "DOLLAR DISPARITY" IN EXPENDITURES

The General Counsel's report observed that "... AMPAC's independent expenditures on behalf of the Williams Committee were approximately four times what the Williams Committee spent, and nearly 50% of the amount expended by candidate was generated by an AMPAC solicitation on the candidate's behalf," and also noted that Williams loaned his campaign $14,000. (p. 18) The report concluded: "These factors raise questions regarding whether AMPAC's activities may have been conducted in coordination, cooperation, or in concert with the Williams campaign." (p. 18)

The suggestion of a nexus between "dollar disparity" and "coordination" lacks any legal support and defies logic and common sense. The report suggests there is something peculiar and curious about a situation where independent expenditure activity is expensive and large-scale, and the campaign on whose behalf the expenditures are made is poor and small-scale. The analysis transforms this curiosity into suspicion of coordination so as to discredit the activities' independence, but gives no plausible reason why a disparity in expenditures between the campaign and the committee would either encourage their communication or be the logical intent or likely result of their coordination.

Coordination is indicated here no more than any other independent expenditure case, and perhaps less so (considering the General Counsel found no evidence of cooperation elsewhere in the report). Coordination would be more likely when independent

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expenditures benefit an active and well-funded campaign with a chance of winning -- a campaign that had something with which to coordinate. If there was coordination, the Williams' campaign would probably have taken that promise of support as an incentive and a marketing vehicle to raise and spend more money, not less. It is incomprehensible why we would infer that a campaign would purposefully choose to not raise as much money as it was capable of raising under these or most any circumstances. The General Counsel's analysis is not only highly speculative, but totally without logical or rational grounds for inferring coordination from these facts.

Those endorsing the General Counsel's "dollar disparity" argument are quick to say the dollar figures are not evidence of anything "standing alone," but present facts worth investigating nevertheless. I cannot, however, support an enforcement approach based upon finding alleged violations simply because the Commission does not understand or is uneasy about a particular situation. Factual questions deserving investigation must have some legal significance and relevance.

Free speech is not inherently suspect because its exercise may appear unusual, impractical, ineffective or otherwise inexplicable. Political expression is no less protected by the Constitution because it appears to be a bad investment. The FECA, as interpreted repeatedly by the courts, permits AMPAC to "waste" substantial expenditures on a losing cause without the Commission unreasonably imputing coordination or triggering an investigation based upon curiousity.

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VII. DEBATE ARRANGEMENTS AND "THIRD PARTY COMMUNICATIONS"

The General Counsel's report found another "concern" as to the independence of AMPAC's expenditures in an allegation that Williams once said the AMA would pay for the costs of a televised debate with his opponent, which suggests some contact or cooperation between Williams and the AMA. The sole evidence for that allegation is a memo prepared by his opponent's campaign consultant describing a telephone conversation he had with a television station executive, who had described a telephone conversation he had with Williams, in which Williams reportedly said "the money was actually coming as a grant from the AMA to the League of Women Voters, which would conduct the debate."

In response to this allegation, Williams stated that a reporter who was to have participated in the proposed debates suggested to him that the AMA might pay for the debate and that the reporter might try to arrange it. Williams stated that the reporter apparently did not try to arrange AMA's funding, but that Williams mentioned the reporter's comments to the television station executive.

Based upon these circumstances, the report then postulated:

> "A number of questions remain unanswered regarding AMPAC's or the AMA's proposed funding of this debate. It is unknown why the reporter would attempt to arrange financing of the debate by AMA. It is possible that the Williams Committee may have sought to use this reporter as its agent, whose subsequent communication to AMPAC would compromise the independence of AMPAC's expenditures. It is also possible that the Candidate may have made this suggestion to Mr. Sondheim in the hope that he would communicate with the AMA or AMPAC to secure funding for the debate. Thus, there is some evidence that the Williams Committee may have looked to AMPAC (possibly through the AMA) as a source of campaign-related funding or support. (p. 17)

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The factual circumstances surrounding the debate discussion simply do not justify this speculation into motives, intentions, hopes, potential agency or other possibilities. The debate never took place. Efforts by Williams or others to arrange payment for the broadcast costs of the proposed debate appear to have never passed a hypothetical stage. A news reporter's motive in trying to facilitate candidate debates is hardly mysterious, and his common interest with Williams (but independent purpose) regarding the project would not necessarily make him Williams' "agent."

There is no evidence to indicate that either the AMA or AMPAC ever "proposed funding" these debates, and the AMA and AMPAC state in their response that they never had any discussions with the League of Women Voters regarding the Williams campaign or the proposed debate. There is no evidence of contact between AMPAC and the Williams campaign (or its agents) from these facts, much less coordination.

Even if there was evidence that the reporter or television station executive or League of Women Voters had requested debate funding from AMPAC, it is doubtful such contacts by third parties acting in their own self-interest would, alone, be legally sufficient to constitute "communication" or "coordination" with the Williams campaign so as to jeopardize the independence of all AMPAC's expenditures, which were entirely unrelated to debates. Again, however, there was no such evidence of contact with AMPAC by anyone regarding the debates.

The hearsay evidence regarding debate arrangements only suggests off-hand remarks and wishful thinking by the candidate

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and news reporter, each with separate and legitimate reasons for hoping the debate would occur, but neither apparently taking any meaningful action on their idea. At most, answers to the General Counsel's questions might reveal Williams' willingness or intent to coordinate with AMPAC if given the opportunity. "Coordination" or "communication" would seem to require at least contact, and presumably more.

VIII. AMPAC MAILINGS AND THE "BUNDLING" ISSUE

AMPAC mailed fundraising solicitations to its 57,000 members urging them to contribute to Williams and one other Congressional candidate. The AMPAC mailing included "pre-addressed" envelopes for sending contributions directly to the campaigns, and a return card to AMPAC to confirm the contribution. According to AMPAC's count of the return cards, the solicitation mailing raised about $30,000 for the Williams campaign.

The General Counsel's report cited AO 1980-46 to argue AMPAC's fundraising expenses constituted in-kind contributions to the Williams campaign rather than independent expenditures, and cited AO 1984-30 to argue the making of those contributions, in turn, would disqualify AMPAC from making its other independent expenditures on Williams' behalf. In my opinion, this analysis misread the reasoning and result of both those prior advisory opinions and abandoned the proper focus upon the overriding issues of coordination and independence.

In AO 1980-46, a multicandidate committee proposed to <u>solicit</u> contributions for certain candidates from its members, <u>receive</u> and <u>collect</u> the contribution checks from its members, and

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deliver the checks as a group to the campaigns (a practice often called "bundling"). On those facts, the Commission determined that the multicandidate committee's fundraising expenditures constituted in-kind contributions to the campaigns rather than independent expenditures. The General Counsel's report in this matter acknowledged the factual basis for the result in AO 1980-46:

> "The Commission premised this determination on the fact that the multicandidate committee specifically requested that checks payable to a candidate be submitted to the multicandidate committee for transmittal to the candidate, and, thus, the acceptance of these checks by the candidate committee constituted acceptance of the costs incurred by the multicandidate committee in connection with the solicitation." (p. 15)

Despite the significant factual distinction as to the gathering and transmittal of the contributions, the report then argued that AMPAC's solicitation is "sufficiently similar to the activity in AO 1980-46 to bring into question the independence of this expenditure," and concluded:

> "[B]ecause AMPAC provided pre-addressed envelopes to ensure delivery of the contributions, this situation is akin to AMPAC's gathering of contributions and forwarding them to the candidate in a single mailing. Additionally, as in the advisory opinion, AMPAC monitored the contributions made by the persons on its mailing list. Therefore, the Williams Committee's acceptance of these envelopes containing contributions should be viewed as acceptance of the cost of the mailing. Because of AMPAC's actions ensuring the contributions would be made and its monitoring of these contributions, it is the opinion of this Office that the independence of these expenditures is questionable." (p. 16)

The report leaped from broadly similar facts to a legal conclusion without examining the factual basis for the advisory opinion's reasoning, obliterating the tenuous line drawn in that opinion.

The Commission reached its conclusion in AO 1980-46 upon the theory that acceptance by the campaign of the contributions

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collected by the multicandidate committee constituted acceptance of the "value" of the costs incurred by the committee in raising the funds (although the value of the actual contributions remained attributable to the individual contributors alone). The Commission apparently attempted to pursue a policy objective of curtailing "bundling" in AO 1980-46 by means of a rationale that could still meet a practical and legal test of 'knowingly receive.'

Analogies cited in the opinion confirm that it focused upon the actual receipt by the campaign, evidenced by the act of accepting the "bundled" contributions directly from the committee, to convert the independent expenditures to in-kind contributions. As an example, the opinion noted that campaign materials produced as an independent expenditure but subsequently provided to and accepted by the campaign, rather than independently distributed, would become an in-kind contribution upon receipt by the campaign. The result in AO 1980-46, therefore, was based upon the analogy of a campaign's receipt of something originally paid for independently rather than an analogy of the effect of 'coordination' upon independent expenditures for election-related communications.

The result reached in AO 1980-46 is inconsistent with the manner by which both independent expenditures and fundraising costs are generally treated under the FECA. I do not agree with the result or rationale of AO 1980-46 (as I recently indicated during consideration of AO 1987-9). I am even more unwilling to extend its reach to situations beyond the precarious line advanced in that opinion's analysis.

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Expenditures for election-related communications do not lose their 'independence' retroactively due to an acknowledgment by or even coordination with a candidate subsequent to the making of the expenditures, absent physical receipt by the campaign of the communication materials. And 'receipt' of a 'contribution' would not include all the benefits, effects or consequences resulting from the impact or influence of independent expenditures upon third parties (e.g., the inspiring of a campaign worker to volunteer more hours at headquarters, or a contributor to give money, or, conversely, the alienation of a particular group offended by the expenditures). Independent expenditures are not jeopardized because they result in tangible indirect benefits for the campaign on whose behalf they were made.

The elements of independent solicitation by a committee, individual contributing and eventual delivery of checks are parts of the same 'plan,' but are separate events legally because the fundraiser does not have ownership of the contributed funds and has no control over the choice or response of the individual contributing. A separate and distinct step intercedes between the independent expenditure and the contribution.

In the normal contribution situation, the 'value' of general fundraising costs is not attributed or allocated as a separate in-kind contribution to a campaign that 'accepts' a monetary contribution. The value of fundraising costs for a solicitation by a committee on behalf of a specific candidate that is undertaken through cooperation or coordination with the

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candidate, however, would be considered an in-kind contribution. That result is reached because of coordination in raising the funds, not because of the campaign's receipt of the individuals' contributions. The value of a solicitation on behalf of a specific candidate undertaken without such coordination should be considered an independent expenditure, regardless of the eventual circumstances of transmittal, and attributed or allocated to a candidate in terms of independent expenditure reporting.

In a "bundling" situation, a campaign literally receives a group of individual contributor checks from a committee. To attribute an "accepting" of the value of prior, uncoordinated fundraising to the act of "accepting" contributions is to engage in a metaphysical and legal fiction.

But at least the analysis of AO 1980-46 relied upon a notion of conscious receipt. The opinion presented a recognizable, if inappropriate, exception to conventional treatment, beginning with an objectively identifiable point of contact between the 'contributing' committee and the recipient campaign. By treating as insignificant details the intermediary role of the committee in collecting the contributions of its members and transmitting them to the candidate as a group, and the campaign's knowing acceptance directly from the committee, the report has wiped out the very limit of the argument in AO 1980-46 that permits its conclusion to be even remotely sustainable.

The General Counsel's report failed to acknowledge the significant factual difference between these two situations because it appeared to rely not upon legal analysis but upon the

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traditional policy argument against "bundling": although individual contributors stay within the contribution limits permitted under the FECA, the group sponsoring the fundraising receives collective 'credit' for its members' contributions with the candidate, and therefore gains 'influence' beyond which it could gain by its own single contribution -- an 'evasion' of FECA contribution limits.

The analysis of AMPAC's fundraising activity in the General Counsel's report is based upon a policy determination that the effect of the "bundling" in AO 1980-46 was bad, and the effect of the fundraising effort in this matter is just as bad, due to the potential influence arising from its scope, expense, organization and effectiveness. By ignoring factual differences, the General Counsel has bootstrapped the result of AO 1980-46 over its legal reasoning: independence becomes measured by the opportunity for collective influence (the 'policy' aspect of AO 1980-46), rather than actual interaction between the committee and the campaign (the only legal footing for the opinion).

Independent expenditures are not jeopardized simply because the beneficiary of them knows who is making them (in fact, 'disclaimers' must accompany express advocacy communications) or because the expenditures may result in gratitude by or presumed influence with the beneficiary. Independent expenditures become in-kind contributions because of the campaign's actual receipt of something from or coordination with the maker of the expenditures.

The General Counsel's argument does not suggest any moment of contact between AMPAC and the Williams campaign, much less

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coordination, but seems to impute 'receipt' in that the campaign 'knows' the sponsor of the solicitation from the similarly pre-addressed envelopes. Under that attenuated analysis, AMPAC's "ensuring" and "monitoring" becomes 'delivery,' and the campaign is held to have 'accepted' the fundraising costs in the piecemeal receiving of individual contributions.

Questions of when and how a candidate receiving separate individuals' contributions can recognize that a sufficiently organized solicitation has been undertaken on his behalf, recognize the group sponsoring the solicitation and know the costs of the solicitation so as to constitute "acceptance" of the full value of the solicitation effort are unaddressed by the reports' analysis and seemingly unanswerable. Reasonable enforcement of reporting obligations would be impossible under this approach.

Presumably, under the General Counsel's analysis, it would be permissible for AMPAC to provide unmarked, "anonymous" pre-addressed envelopes to its solicited members for sending in their contributions to candidates, regardless of the complexity or expense of the fundraising effort. That result might be unclear, however, if it was common knowledge that AMPAC was engaging in this effort on behalf of candidates, and the contribution checks in the similarly unmarked envelopes were all from doctors.

Obviously, the scenarios for varying degrees of known or unknown "credit" and "influence" are limitless. Those concepts go far beyond the definitions of "contribution" and "expenditure" under the Act, and are incapable of measurement by objective

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standards of behavior such as 'coordination' or 'receipt.'

Although I would dispute the underlying legal basis for the result in AO 1980-46, I might concede that the opinion at least provided an identifiable legal threshold for acceptance of a contribution within the acts of collection, transmittal and receipt present under its facts. Ultimately, the line must be drawn no further than the fine line presented by the "premise" of AO 1980-46. That analysis surely limits the influence of "bundling" as far as the legal concepts of either 'receipt or 'coordination' can be reasonably stretched. Reaching the new result recommended by the General Counsel's report is especially unreasonable in the context of an enforcement action.

As long as AMPAC did not directly transmit the individuals' contributions to the campaign (real "bundling"), and absent any indication of "coordination" in the solicitation itself, AMPAC's solicitation efforts should be viewed as independent expenditures, not subject to in-kind contribution limits nor compromising subsequent independent expenditures.

IX. CONTRIBUTIONS AND ABILITY TO MAKE INDEPENDENT EXPENDITURES

The General Counsel's analysis would effectively preclude fundraising solicitation efforts as independent expenditures (unless the sponsor remained anonymous?) and would, consequently, subject those efforts to in-kind contribution limits. Worse, the analysis broadly misinterpreted prior opinions of the Commission, and patently ignored the Commission's deadlock on these issues just a few weeks ago in consideration of AO 1987-9, to argue that any independent expenditure activity is precluded where a prior

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contribution has been made. In this case, AMPAC's fundraising effort would jeopardize its subsequent and unrelated independent expenditure activity because the Williams campaign "accepted" the individual contributions sent as a result of AMPAC's solicitation.

The General Counsel's report cited the Commission's decision in AO 1984-30 to suggest: "... the Commission has determined that a committee is presumed incapable of making contributions to a candidate and independent expenditures on behalf of that candidate with respect to the same election." (p. 21) That is simply not the decision reached by the Commission in that opinion, nor does it even fairly reflect the question that was before it.

In AO 1984-30, prior "cooperation, consultation and communication" between the committee and the candidate in the making of an in-kind contribution during a primary election was plainly admitted and was a factual given. The issue before the Commission was whether the acknowledged coordination during the primary election would serve to jeopardize the committee's ability to make independent expenditures on behalf of the same candidate in the subsequent general election. The Commission concluded that the "prior arrangement" in the primary election campaign would, in fact, jeopardize independence in the general election campaign.

The Commission did <u>not</u> conclude in AO 1984-30 that the making or receiving of in-kind contributions necessarily or presumptively constitutes coordination so as to jeopardize the contributor's ability to make subsequent independent expenditures.

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Whether the making of a contribution involves coordination so as to disqualify future 'independence' is a separate factual question.

The statement quoted from the General Counsel's report further suggests a person or committee would be barred from making independent expenditures on behalf of a candidate if they so much as sent in a contribution check to that candidate. It even suggests that would be true if the contribution were subsequent to, but in the same election cycle, as the expenditure. The Commission has never endorsed such views nor been presented with those questions.

The proposition that a person is disqualified from making independent expenditures on behalf of a candidate solely on the basis of having made a prior contribution to that same candidate is entirely without support in the statutory language. The FECA defines 'independent expenditure' as that which is made "without cooperation or consultation with any candidate... and which is not made in concert with, or at the request or suggestion of, any candidate..." 2 U.S.C. 431(17).

The standard for coordination with a candidate so as to jeopardize a person's ability to make an independent expenditure may not demand much, but it demands something more than the simple making of a cash or in-kind contribution. Cooperation or coordination may or may not accompany a particular act of contributing. Absent evidence of coordination to compromise a person's 'independence,' the FECA does not grant this Commission authority to ration or dole out rights of political expression, or to force those exercising their rights to pick and choose

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between the forms of speech in which they are entitled to engage.

X. DISCLAIMER PROBLEMS

The General Counsel's report presented the outcome of the disclaimer issue as entirely a function of whether AMPAC's expenditures were considered independent. If independent, as AMPAC claimed, the disclaimer should properly have been the one they used, which included "paid for..." and "not authorized by..." If AMPAC's expenditures were deemed to constitute in-kind contributions, the proper disclaimer would instead have included "authorized by..."

A finding of this potential violation would be patently unfair under such ambiguous and contentious circumstances. The very possibility (and inevitability) of finding such a violation under the General Counsel's analysis exposes the absurdity of imputing coordination to AMPAC's activity on the basis of "pre-addressed envelopes", unfulfilled wishes for funding candidate debates or "dollar disparity." It is ridiculous to now decide AMPAC's independent activity was actually "authorized" by Williams and should have so stated in a disclaimer, particularly when that disclaimer itself would be a virtual admission of having made an excessive in-kind contribution.

XI. CONCLUSION

The Federal Election Commission was established by Congress to administer and enforce the federal election campaign finance laws. By the very nature of the activity under its regulatory jurisdiction, the Commission must perform its function with a full and constant appreciation of the sensitive constitutional

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issues at stake in the exercise of free speech and political expression.

The courts have frequently reminded the Commission of the constitutional protections afforded the rights against which its regulatory role must be balanced. As to the issue presented by this enforcement matter, the U.S. Supreme Court reaffirmed last year: "Independent expenditures constitute expression '"at the core of our electoral process and of the First Amendment freedoms."' Buckley [v. Valeo]..." Federal Election Commission v. Massachusetts Citizens for Life, Inc., 107 S. Ct. 616 (1986). The Commission is obligated to take those words of the court seriously in pursuing enforcement of the FECA.

The procedure by which the Commission finds "reason to believe" a violation has occurred contemplates only a low threshold of evidence to support it. Commissioners may reasonably differ on the significance and weight to be assigned each piece of evidence, but should be wary of evidence that amounts to mere speculation or hypothesis. Otherwise, the Commission begins to engage in fishing expeditions, which provide a dangerous opportunity for casting a chill on the legitimate exercise of constitutional rights.

Some may argue that the Commission is not doing its job when it does not investigate this type of matter in order to enforce the law. But to launch an investigation of political activity without sufficient grounds to believe a violation has occurred, however, is to overstep the bounds of both the Commission's statutory authority and basic fairness.

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Based upon the allegations of the complaint, the information provided by respondents and the evidence before the Commission, I concluded that there was no reason to believe that AMPAC violated the FECA. In my opinion, these facts indicated that AMPAC did that which it apparently intended: to exercise its constitutional right to make independent expenditures on behalf of a candidate for federal office.

June 24, 1987

Thomas J. Josefiak

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FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
American Medical Association	)	
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer	)	MUR 2272
California Medical Association	)	
California Medical Political Action Committee and Donald Gartman, as treasurer	)	
Williams for Congress Committee and David Williams, as treasurer	)	
National Republican Congressional Committee and Jack McDonald, as treasurer	)	

CONCURRENCE

Commissioner Lee Ann Elliott

I have read Commissioner Josefiak's Statement of Reasons in MUR 2272, dated June 26, 1987. I am in agreement with its legal analysis and application to MUR 2272.

Further, my votes on MUR 2272 are consistent with my votes on Advisory Opinion 1987-9 and the alternative draft I presented to the Commission for consideration on May 7, 1987.

6-30-87
Date

Lee Ann Elliott

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RECEIVED AT THE FEC

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WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428
(415) 449-4469

June 29, 1987

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RECEIVED
FEDERAL ELECTION COMMISSION
GENERAL COUNSEL

General Counsels Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Gentlepersons:

Please add this letter to the public record on MVR-2272. I received Mr. Noble's letter of June 15 on June 24 by way of Mr. Lyons.

The General Counsels Report under section VA. on page 16 states "Therefore the Williams Committee's acceptance of these envelopes containing contributions should be viewed as acceptance of the cost of mailing."

It was not until I read page 13 of the report on June 24, 1987, that I learned that AMPAC sent envelopes to 57,000. I had no way of knowing this prior to then since contact between AMPAC and Williams for Congress is forbidden. If this is an in-kind contribution, I did not ask for it nor did I have any idea of 57,000.

Apparently, the nation's second largest political action committee and the FEC, who deal with each other extensively, did not have the rules straight between them.

Today I obtained an estimate for 57,000 preprinted unstamped envelopes, which is $975.17. I will include this unsolicited in-kind contribution in our July 31 report to the FEC if so advised to do so by your office.

Very truly yours,

David M. Williams

David M. Williams

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FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

THIS IS THE BEGINNING OF MUR # 2222

DATE FILMED 7/29/87 CAMERA NO. 2

CAMERAMAN AS

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9-21-87

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 2272

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plm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2272
National Republican Congressional Committee and Jack MacDonald, as treasurer

Dear Mr. Baran:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

Diane Elan Wick, Esquire
Nielsen, Hodgson, Parrinello & Mueller
1030 Fifteenth Street, Suite 250
Sacramento, California 98514

RE: MUR 2272
California Medical
Political Action
Committee and Donald
Gartman, as treasurer

Dear Ms. Wick:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Political Action Committee and Donald Gartman, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

Rick C. Zimmermann, Esquire
Hassard, Bonnington, Robert & Huber
50 Freemont Street, Suite 3400
San Francisco, CA 94105

RE: MUR 2272
California Medical
Association

Dear Mr. Zimmermann:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Association. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

Philip N. Lyons, Esquire
250 Jauna Avenue
Taylor Building, Suite 101
San Leandro, CA 94577

RE: MUR 2272
Williams for Congress Committee and David M. Williams, as treasurer

Dear Mr. Lyons:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the Williams for Congress Committee and David M. Williams, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

Leslie J. Miller, Esquire
American Medical Association
535 North Deerborn Street
Chicago, Illinois 60610

RE: MUR 2272
Ameican Medical Association Political Action Committee and Peter D. Lauer, as treasurer
American Medical Association

Dear Mr. Miller:

By letters dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, and the American Medical Association. Enclosed with those letters were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1987

The Honorable Pete Stark
c/o Pete Stark Reelection Committee
Post Office Box 5303
Oakland, CA 94605

RE: MUR 2272

Dear Representative Stark:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the following persons: American Medical Association; American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; California Medical Political Action Committee and Donald Gartman, as treasurer; California Medical Association; Williams for Congress Committee and David Williams, as treasurer; and the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak.

Enclosed please find a statement by Commissioners McDonald and McGarry and Chairman Thomas explaining their votes in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

8704054188

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

The Honorable Pete Stark
c/o Pete Stark Reelection Committee
Post Office Box 5303
Oakland, CA 94605

RE: MUR 2272

Dear Representative Stark:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the following persons: American Medical Association; American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; California Medical Political Action Committee and Donald Gartman, as treasurer; California Medical Association; Williams for Congress Committee and David Williams, as treasurer; and the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

Leslie J. Miller, Esquire
American Medical Association
535 North Deerborn Street
Chicago, Illinois 60610

RE: MUR 2272
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer
American Medical Association

Dear Mr. Miller:

By letters dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the American Medical Association Political Action Committee and Peter D. Lauer, as treasurer, and the American Medical Association. Enclosed with those letters were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

Philip N. Lyons, Esquire
Taylor Building, Suite 101
San Leandro, CA 94577

RE: MUR 2272
Williams for Congress Committee and David M. Williams, as treasurer

Dear Mr. Lyons:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the Williams for Congress Committee and David M. Williams, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

8704065491

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

Rick C. Zimmermann, Esquire
Hassard, Bonnington, Robert & Huber
50 Freemont Street, Suite 3400
San Francisco, CA 94105

RE: MUR 2272
California Medical
Association

Dear Mr. Zimmermann:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Association. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

Diane Elan Wick, Esquire
Nielsen, Hodgson, Parrinello & Mueller
1030 Fifteenth Street, Suite 250
Sacramento, California 98514

RE: MUR 2272
California Medical
Political Action
Committee and Donald
Gartman, as treasurer

Dear Ms. Wick:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Political Action Committee and Donald Gartman, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 17, 1987

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2272
National Republican
Congressional Committee
and Jack MacDonald, as
treasurer

Dear Mr. Baran:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification.

Enclosed please find statements by Commissioners Elliott and Josefiak explaining their votes in this matter. These documents will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

The Honorable Pete Stark
c/o Pete Stark Reelection Committee
Post Office Box 5303
Oakland, CA 94605

RE: MUR 2272

Dear Representative Stark:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by you against the following persons: American Medical Association; American Medical Association Political Action Committee and Peter D. Lauer, as treasurer; California Medical Political Action Committee and Donald Gartman, as treasurer; California Medical Association; Williams for Congress Committee and David Williams, as treasurer; and the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak, and on August 12, 1987, the Commission also provided you with a statement by Commissioners McDonald and McGarry and Chairman Thomas.

Enclosed please find a statement by Commissioner Aikens explaining her vote in this matter. This document will be placed on the public record as part of the file of MUR 2272.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Jan Baran, Esquire
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006

RE: MUR 2272
National Republican
Congressional
Committee and
Jack MacDonald, as
treasurer

Dear Mr. Baran:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the National Republican Congressional Committee and Jack MacDonald, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak, and on August 12, 1987, the Commission also provided you with a statement by Commissioners McDonald and McGarry and Chairman Thomas.

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Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Diane Elan Wick, Esquire
Nielsen, Hodgson, Parrinello & Mueller
1030 Fifteenth Street, Suite 250
Sacramento, California 98514

RE: MUR 2272
California Medical
Political Action
Committee and Donald
Gartman, as treasurer

Dear Ms. Wick:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Political Action Committee and Donald Gartman, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak, and on August 12, 1987, the Commission also provided you with a statement by Commissioners McDonald and McGarry and Chairman Thomas.

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Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Rick C. Zimmermann, Esquire
Hassard, Bonnington, Robert & Huber
50 Freemont Street, Suite 3400
San Francisco, CA 94105

RE: MUR 2272
California Medical
Association

Dear Mr. Zimmermann:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the California Medical Association. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak, and on August 12, 1987, the Commission also provided you with a statement by Commissioners McDonald and McGarry and Chairman Thomas.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

8704054198

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Philip N. Lyons, Esquire
250 Jauna Avenue
Taylor Building, Suite 101
San Leandro, CA 94577

RE: MUR 2272
Williams for Congress Committee and David M. Williams, as treasurer

Dear Mr. Lyons:

By letter dated June 15, 1987, the Office of the General Counsel informed you of determinations made with respect to the complaint filed by Congressman Pete Stark against the Williams for Congress Committee and David M. Williams, as treasurer. Enclosed with that letter were copies of the General Counsel's Report and the Commission's certification. Additionally, on July 17, 1987, the Commission provided you with copies of statements by Commissioners Elliott and Josefiak, and on August 12, 1987, the Commission also provided you with a statement by Commissioners McDonald and McGarry and Chairman Thomas.

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Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Leslie J. Miller, Esquire
American Medical Association
535 North Deerborn Street
Chicago, Illinois 60610

RE: MUR 2272
American Medical Association Political Action Committee and Peter D. Lauer, as treasurer
American Medical Association

Dear Mr. Miller:

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Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MD3-14-88

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 2272

88040475294

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 15, 1987

David M. Williams
Williams for Congress Committee
1560 Kingsport Avenue
Livermore, California 94550

RE: MUR 2272
Williams for Congress Committee and David M. Williams, as treasurer

Dear Mr. Williams:

The Office of the General Counsel is in receipt of your letter dated September 11, 1987, in which you state you have not received statements by Commissioners Elliott and Josefiak referred to in our September 3, 1987 letter. According to your letter, these statements were not included in correspondence sent to your counsel on July 17, 1987. Enclosed please find copies of these statements.

If you have any questions please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
Statements (2)

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GCC#4366

WILLIAMS FOR CONGRESS
The Candidate of the Republican Party
1560 Kingsport Avenue
Livermore, California 94550
(415) 447-7428
(415) 449-4469

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 SEP 14 AM 9:41

September 11, 1987

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

87 SEP 14 AM 11:23

Ms. Patty Reilly
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Ms. Reilly:

Enclosed is a copy of Mr. Noble's letter of September 3 regarding MUR 2272.

The letter references statements of Commissioners Elliott and Josefiak which I did not receive.

Please have copies of their statements forwarded. Thank you.

Sincerely,

David M. Williams

David M. Williams

enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 3, 1987

Philip N. Lyons, Esquire
250 Jauna Avenue
Taylor Building, Suite 101
San Leandro, CA 94577

RE: MUR 2272
Williams for Congress Committee and David M. Williams, as treasurer

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Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure

8804075297