



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DISSENTING OPINION IN ADVISORY OPINION 1980-100

of

COMMISSIONER THOMAS E. HARRIS

The Commission has again chosen to interpret 2 U.S.C. 441e in a manner which defies common sense. The Act prohibits foreign nationals from making contributions, directly or indirectly, in connection with federal elections. Clearly, foreign nationals may not set up or operate political committees. By permitting foreign nationals to incorporate in the United States and thereby avoid the prohibitions of Section 441e, the Commission does a great disservice to the Congressional intention to keep foreign influence out of federal elections in the United States.

While Revere Sugar Corporation is organized under the laws of Delaware, its owners are foreign nationals, its directors are foreign nationals, and three of its officers are foreign nationals. Under such circumstances, the notion that no decisions as to the activities of the proposed political committee will be dictated or directed by foreign nationals strikes me as extremely naive. Moreover, the Commission's caution that it will continually scrutinize the process and personnel involved in Committee decision-making is totally unrealistic.

The Commission had similar facts before it when it considered Advisory Opinion Request 1978-21, and, consistent with my reaction to the Commission's Opinion in that matter, I dissent.