



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DISSENTING OPINION IN ADVISORY OPINION 1981-16

of

COMMISSIONER THOMAS E. HARRIS

I dissent from Advisory Opinion 1981-10 for the opposite reason that my esteemed colleague, Chairman John W. McGarry, has.

I disagree with the majority's decision to include amounts received to defray the costs of litigation relating to commercial disputes arising out of the campaign as exempt from the definition of contribution. Chairman McGarry is correct when he states that there is no difference between costs incurred in connection with FEC compliance and audits costs incurred for litigation in connection with commercial disputes. Both results are unfounded in the statute and the regulations. The majority's opinion will only foster further attenuation of the limitations and prohibitions of the FECA.