



FEDERAL ELECTION COMMISSION
Washington, DC 20463

DISSENTING OPINION IN ADVISORY OPINION 1986-24

of

COMMISSIONER THOMAS E. HARRIS

I dissent from the opinion approved by the majority because it is premised on the legal conclusion that a person's estate in effect may transfer more than \$5,000 per calendar year to a political committee. That contravenes the plain meaning of the statute, 2 U.S.C. sec. 441a(a)(1)(C), and that is why I dissented on this question when it arose regarding Advisory Opinion 1983-13, 1 Fed. Election Camp. Fin. Guide (CCH), para. 5727 (Sept. 26, 1983). It would be of no legal significance, in my view, that an escrow account might be set up to hold these funds or even that a trust might be set up by the executor or probate court to hold the funds.

I would have allowed the requestor in the matter at hand to follow the practice sanctioned in Advisory Opinion 1983-13, *supra*, since the statute specifies that "[a]ny advisory opinion rendered by the Commission...may be relied upon by...any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which said advisory opinion is rendered." However wrongly decided the prior opinion was, it would authorize the Proposal here presented.